PART 3 – Chapter 2

Delegations to Officers

A: INTERPRETATION AND GENERAL

1. For the avoidance of doubt unless the context otherwise requires the following words and expressions have the following meaning:

   a) **"the Constitution"** shall be deemed to be the Torridge District Council Constitution as adopted from time to time including the published Rules of Procedure, Financial Procedure Rules, Contract Procedure Rules and all delegations;

   b) **"the Planning Acts"** shall mean the Town and Country Planning Act 1990, the Town and Country Planning Act 2008, the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 the Caravan Sites and Control of Development Act 1960 (and in respect of them all any amendments as may be made from time to time) and any regulations and orders made pursuant to the same including in particular, but without prejudice to the generality of the foregoing the General Permitted Development Order 1995, the Hedgerow Regulations 1997, Town and Country Planning (Control of Advertisements) Regulations 1992 and the Town and Country Planning General Regulations 1992 (including in respect of them any amendments as may be made from time to time);

   c) Policies of the Council shall be deemed to be such policies as adopted from time to time and as amended from time to time including the Financial Procedure Rules and the Contract Procedure Rules,

   d) Legislation shall be deemed to include reference to any amendment, extension, application or re-enactment of it and includes any subordinate laws for the time being in force made under it and all orders, regulations, notices, codes of practice and guidance made under it.

   e) A formal caution shall include reference to a simple and conditional caution.

2. Where a power is delegated to more than one Officer then all Officers to whom the power is delegated shall be able to exercise that power.

3. In the absence of the Head of Legal and Governance & Monitoring Officer or the Finance Manager and S151 Officer, any officer duly appointed by them to act as their deputy may exercise any powers or duties delegated to them in their capacity as Head of Legal and Governance & Monitoring Officer or Finance Manager and S151 Officer (as the case may be), or any role or responsibility allocated to them within any part of the Constitution.

4. Any post specifically referred to below 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.

5. All Delegated Powers shall be exercised and be subject to the content of all relevant policies adopted by the Council from time to time. In the event of any conflict between these Delegated Powers and any such Policy, the Policy shall prevail.

6. In the absence of the Chief Executive, powers delegated to the Chief Executive under the Scheme of Delegation shall be exercisable by the Head of Legal and Governance & Monitoring Officer and the Finance Manager and S151 Officer.

B: DELEGATIONS

B1 ALL OFFICERS

1. To act as a witness;

   a) on behalf of the Council in any proceeding in which the Council is directly involved;
   b) where so directed by a court, tribunal or other formal inquiry with power so to do; or
   c) in any other circumstance with the prior written approval of the Head of Legal & Governance and Monitoring Officer.

B2 CHIEF EXECUTIVE

Policies

1. To adopt and approve policies made by the Council which relate to the operational requirements of the Council, its equipment or staff and to implement all policies adopted by the Council.

Establishment

2. To consider, amend and revise the manpower establishment **provided** any such amendments or revision is in accordance with any approved establishment plan and budgetary framework of the Council (as may be amended from time to time).

3. To appoint temporary staff or authorise the appointment of external resources to undertake work normally undertaken by a Service subject to the costs thereof not exceeding the available budget of that Service.

4. To act as the Chief Executive for the purposes of the Local Government and Housing Act 1989.

5. To consider and determine pursuant to Part V of the Local Government Discretionary Payments Regulations 1996 (or any statutory provision replacing or re-enacting the same) including any amendments thereto:

   a) the amount of any injury allowance payable to an Officer; and
   b) any time period(s) associated therewith or to any death benefit payments referred to in those provisions.

6. To consider and approve or refuse (with or without modification) any application by the Chief Executive, the Head of Communities and Place, the Head of Legal and Governance & Monitoring Officer and Finance Manager & S151 Officer, to carry forward annual leave from one leave year to the next provided that any such approval or refusal shall be in accordance with any approved Council policies as have been adopted and relate to the same.

7. To recruit, select and appoint any Officer of Head of Legal and Governance & Monitoring Officer or Senior Management Team level or below provided that such appointment is in accordance with Council policies and all relevant legislation.

8. With the exception of any matter which directly relates to the Chief Executive, in relation to an Officer to hear, consider and determine:

   a) any grievance and / or harassment matter;

   b) any disciplinary matter provided the Officer is of Head of Legal and Governance & Monitoring Officer or Senior Management Team level or below; and

   c) any appeal in relation to a decision resulting from a grievance, harassment and / or disciplinary matter other a decision taken by the Chief Executive, Committee or a Sub-Committee;

   including in all cases, power:

   (i) to authorise such action as the Chief Executive deems appropriate in relation to any determination that is made (whether formal or informal) including the suspension and / or dismissal of any Officer of Head of Legal and Governance & Monitoring Officer or Senior Management Team level or below, provided that this shall be in accordance with all relevant legislation, and

   (ii) to nominate any other Officer to exercise on his/her behalf all or any the powers contained in this delegation.

   Notwithstanding anything contained in this provision 8, the Chief Executive shall have the power to suspend any Officer pending an investigation in relation to that Officer provided that such suspension shall be in accordance with the Council policies and all relevant legislation.

9. To arrange for, and where appropriate undertake, an investigation into any disciplinary matter relating to the Head of Legal and Governance & Monitoring Officer, Senior Management Team or any other Officer exercising the role of Head of Legal & Governance and Monitoring Officer or Finance Manager and S151 Officer where the disciplinary action relates to their performance of such a role.

10. Power to consider and approve or refuse requests to fill staff vacancies and authorise any other Officer to exercise such a power.

11. To authorise and sign identity cards on behalf of any Officer within their Service Area as may be necessary for the proper performance of their duties.

12. To authorise officers and/or other persons to undertake those matters identified within the identity cards and to issue and sign the same where in the opinion of the Chief Executive this is necessary for the proper performance of their duties.

13. To consider and refuse or approve (with or without modification):

    a) essential telephone user payments;
    b) applications for car loans; and
    c) applications under the Cycle to work scheme adopted by the Council,

provided that if the Council has approved policies (as amended from time to time) relating to the same, then any approval that is given shall be in accordance with such policies.

14. To determine a reasonable charge for sale of documents or copies of documents which are not subject to any statutory scales.

General

15. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Chief Executive within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.

16. For the purposes of any budget or manpower resource within the control of the Chief Executives, the power to exercise all those delegated powers as are delegated to the Head of Legal and Governance & Monitoring Officer or Senior Management Team.

17. To exercise all the powers referred or delegated to any other Officer.

18. In consultation with either the Leader or person presiding at a meeting, to consider whether television and sound recordings, broadcastings or other reporting of all or any part of a meeting is disruptive to the extent that it should cease, each case being considered on its merits.

19. In consultation with either the Leader and/or any other Member that the Chief Executive at his/her discretion deems appropriate, to respond to consultation papers.

20. To attest the Council seal and sign any document necessary to give effect to:

    a) a resolution of the Council (as the case may be); and/or
    b) the exercise of a power or function delegated by the Council, (as the case may be),

    provided that any such attestation or signing accords with the provisions of Article 13 of the Constitution (as may be amended from time to time).

21. To act as “Proper Officer” for all functions detailed in:

    a) Local Government Act 1972;
    b) Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000; and
    c) the Constitution not otherwise specifically delegated to another Officer, including the power:

        (i) to consider and nominate in writing any other Officer to act as a proper officer where this is permitted by law; and
        (ii) in consultation with the Human Resources and Communications Manager to negotiate and approve variations to an Officers terms and conditions of employment, in order to facilitate the same **provided** that any such appointment or variations do not exceed any budget allocated for such a purpose.

22. For the purpose of surveillance operations to which the Regulation of Investigatory Powers Act 2000 apply (or any statutory provision modifying, replacing or re-enacting the same), the power:

a) to provisionally authorise a surveillance operation; and
b) to further delegate the power to provisionally authorise surveillance operations to other Officers

provided that such provisional authorisation is only given in accordance with the Council's adopted Policy.

23. To authorise the making of an application under the Crime and Disorder Act of Anti-Social Behaviour Orders in consultation with the Head of Legal and Governance & Monitoring Officer.

24. In consultation with the Head of Legal & Governance, the power to authorise the giving of an authorisation under section 30 of the Anti Social Behaviour Act 2003.

25. In consultation with the Leader, to consider and approve or refuse (with or without modification) any Policy document produced for the purposes of the Planning Acts which in the opinion of the Chief Executive is of a minor nature **provided** that any amendment shall be reported to the next available meeting of the Full Council.

26. Power to appoint and authorise officers to act under section 29(5)(a) and (b) of the Regulation of Investigatory Powers Act 2000.

27. Power to provisionally authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any guidance and Codes of Practice and the Council's adopted policy.

28. **Ombudsman Complaints**

Power to authorise complaint/ombudsman compensation for up to £2,000, subject to prior consultation with the Leader or Deputy Leader.

Members

29. To receive Group nominations for relevant Committees and Sub-Committees subject to Council being notified of the Group appointments.

30. For the purposes of Members' Approved Duties, to consider and determine Members' claims for travelling allowances including the power to consider and determine whether to authorise meetings for such purposes:

a) with Government Departments or their representatives;
b) other Government Bodies or their representatives, and
c) meetings involving Group Leaders, including meetings with external organisations.

31. To receive and consider notices and questions submitted by Members pursuant to the Constitution.

32. To approve, in conjunction with the relevant Committee Chair and the Leader, any urgent decisions required under the procedure outlined in the Constitution.

Human Resources

33. To deliver advice and guidance to officers in relation to terms and conditions of employment.

34. To interpret Employment Policies, custom and practice and implement processes and/or decisions based on either the Policy or the custom and practice of the Council.

35. To act on the advice of medical practitioners with regard to retiring employees on grounds of ill health.

36. To negotiate revised terms and conditions of employment with recognised trades unions.

37. To develop Employment Policies and negotiate with recognised trades unions prior to adoption by Council.

38. To purchase procurement of Personnel consultants/training providers as necessary within the Financial Procedure Rules and Contract Procedure Rules.

39. To apply Employment Legislation/EC Directives as appropriate which may impact on staff terms and conditions, including pay.

40. To implement procedures in relation to training and development activities.

41. To act as the lead counter signatory for the Council and nominate other counter signatories for the Council in respect of the Disclosure and Barring Service.

42. To negotiate Compromise Agreements as appropriate, with the final agreement to be signed off by the Head of Legal and Governance & Monitoring Officer.

43. To seek external employment advice within budget as necessary.

44. To place job adverts in appropriate publications.

45 To approve relocation expenses as appropriate.

46. To approve interview expenses.

47. To advise the Council and act on behalf of the Council on all matters relating to the recruitment and termination of employees.

48. To execute the agreements for the engagement of Officers.

Establishment

49. In consultation with The Human Resources and Communications Manager to negotiate and approve variations to an Officers terms and conditions of employment for the purposes of appointing one or more Deputy Monitoring Officers, subject to any such variations not exceeding any budget allocated for such a purpose.

Legislation

Animal Boarding Establishments Act 1963
Animal Welfare Act 2006
Animals Act 1971
Anti Social Behaviour Act 2003
Anti Social Behaviour, Crime and Policing Act 2014
Bovine and Bovine Products (Trade) Regulations 1998
Building Act 1984
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Cinemas Act 1985
Civil Contingencies Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Crime and Disorder Act 1998
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Deregulation Act 2015
Environment Act 1995
Environmental Protection Act 1990
European Union (Withdrawal Agreement) Act 2020 relating to retained EU regulations
European Union (Withdrawal) Act 2018 as amended
Food and Environmental Protection Act 1985
Food Safety Act 1990 (as amended)
Gambling Act 2005
Health Act 2006
Health and Safety at Work etc Act 1974
House to House Collections Act 1939
Hypnotism Act 1952
Landlord and Tenant Act 1985
Licensing Act 2003
Live Music Act 2012
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government Act 1972 – Part XI
Mobile Homes Act 1983
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices Shops and Railway Premises Act 1963
Pet Animals Act 1951 (as amemded)
Police Act 1997
Police Factories etc (Miscellaneous Provisions) Act 1916
Police Reform and Social Responsibility Act 2011
Policing and Crime Act 2009
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Protection of Freedoms Act 2012
Public Health (Control of Disease) Act 1984
Public Health Act 1936
Public Health Act 1961
Public Health Acts Amendment Act 1907
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000

Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Regulatory Reform Order 2002 Paragraphs 1 to 12 and Schedules 1 to 6
Riding Establishments Act 1964
Riding Establishments Act 1970
Road Safety Act 2006
Riding Establishments Act 1964 and 1971
Safeguarding Vulnerable Groups Act 2006
Scrap Metal Dealers Act 2013
Sunday Trading Act 1994
The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2000
The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2016
The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993
The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998
Theatres Act 1968
Town and Police Clauses Act 1889
Town Police Clauses Act 1847
Transport Act 1985
Vehicles (Crime) Act 2001
Water Industry Act 1991
Water Industry Act 1991
Zoo Licensing Act 1981

B3 FINANCE MANAGER AND S151 OFFICER

General

1. To act as the officer appointed under Section 151 of the Local Government Act 1972 and to maintain and enforce the Financial Procedure Rules and Contract Procedure Rules.

2. For the purposes of any budget or establishment resource within the control of the Finance Manager and S151 Officer, the power to exercise all those delegated powers as are delegated to the Head of Legal & Governance (Monitoring Officer) and Monitoring Office or Senior Management Team.

3. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Finance Manager and S151 Officer within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.

4. In respect of any proceedings and in consultation with the Head of Legal and Governance & Monitoring Officer, to consider and determine whether the Council should lodge a formal offer with the Court the amount of any such offer and whether, and upon what grounds, it may be appropriate for such amount to be varied.

Financial

5. In consultation with the Head of Legal and Governance & Monitoring Officer, to consider and determine whether to authorise:

a) the instigation of bankruptcy proceedings against an individual(s); and/or
b) the winding up of an organisation.

6. To write off Council Tax debts, National Non-Domestic Rates, sundry debts and overpayments of Housing Benefits to the limits set out in the Financial Procedure Rules.

7. In consultation with the member(s) in whose ward the debtor is located and/or the debt originated, to write off Council Tax debts, National Non-Domestic Rates, sundry debts and overpayments of Housing Benefits.

Accountancy

8. To be responsible for the preparation of the Council's Statement of Accounts in accordance with proper practices.

9. To implement annual awards affecting wages, salaries and conditions of service.

10. The investment and re-investment of Council monies provided the same is undertaken in accordance with the Financial Procedure Rules and any other relevant Policies as may be adopted by the Council in respect of the same (as amended from time to time).

11. To borrow and raise loans on behalf of the Council provided the same is undertaken in accordance with the Financial Procedure Rules and any other relevant policies as may be adopted by the Council in respect of the same (as amended from time to time).

12. To make a determination on the amount of useable capital receipts to be used to finance capital expenditure or for such other purpose as allowed by Regulations made under the Local Government Act 2003 as amended by the Local Government and Public Involvement in Health Act 2007:

13. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Head of Communities & Place within the Constitution whether specifically identified in the Delegated Powers to Officers or otherwise.

14. To plan and manage the Council's cash flow requirements within approved borrowing limits and in accordance with the Council's policies on treasury management and to manage the budgets of the Council in accordance with accepted practice and professional guidance.

15. To consider and determine whether the Council should opt to tax any property for the purposes of VAT to preserve the interests of the Council and manage and account for the VAT implications of the Council's activities.

16. To authorise payments of precepts to precepting bodies within the area of the Council.

17. To authorise payment of levies properly issued on the Council by levying bodies.

18. To monitor and administer ongoing requirements for insurance provision in the light of changing services and assets, ensuring provision of adequate cover directly or via contractors' cover.

19. To liaise with the Council's insurers and their properly nominated representatives in respect of any claims brought against the Council under any of the Council's insurance policies and to undertake those activities necessary, in conjunction with the insurers and/or their representatives to resolve or settle those claims, including the signature of any documents incidental to the resolution or resettlement of any claim.

20. To advance duly authorised loans to third parties.

21. To take action to recover loan repayments due to the Council.

22. To declare Interest rates under the Housing Act 1985 or any statute replacing it and other interest rates appropriate to a class of loan.

Exchequer

23. To administer the provision of car loans and associated financial procedures in accordance with the Council's car loan scheme.

24. Administer the processing of authorised instructions and make payments in respect of payroll costs and allowances to staff and Members.

25. Process authorised instruction and make payment in respect of supplies of goods services etc., and refunds of sums due to customers.

Audit

26. The maintenance of an effective internal audit function

27. To provide an independent and objective opinion on the internal control environment put in place by the Council in accordance with the Accounts and Audit Regulations 2011 and the relevant CIPFA guidance.

28. Authority to enter any Council premises at all reasonable times, to have access to all records, assets, personnel and documents relating to financial and other transactions of the Council and require any Council employee to produce such documentation or property under their control for the purpose of carrying out the Audit function

29. To conduct an independent investigation into any referrals of suggested or potential irregularities and to take such steps as are necessary by way of investigation and report.

30. To provide an annual audit opinion on the effectiveness of the Council's system of internal control.

31. To provide an independent and objective Annual Audit opinion on the effectiveness of the Council's internal control environment in accordance with the Accounts and Audit Regulations 2011 and the relevant CIPFA guidance.

32. To report to all senior management, the Chief Executive and the Audit Governance Committee on all aspects of risk management, control and governance processes and to deliver an audit opinion on those matters.

B4 HEAD OF LEGAL & GOVERNACE & MONITORING OFFICER

General

1. For the purposes of any budget or establishment resource within the control of the Head of Legal and Governance & Monitoring Officer, the power to exercise all those delegated powers as are delegated to the Head of Legal and Governance & Monitoring Officer or Senior Management Team.

2. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to The Head of Governance and Monitoring Officer within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.

3. Power to deal with, consider and determine complaints regarding the conduct of District and Parish Councillors, including the power to make recommendations to Committees and Full Council, the power to consult with an Independent Person and the power to refer a complaint to the Standards Committee.

4. To authorise in writing any Officer:

   a) to act as a witness; or
   b) to represent the Council;

   in any actual or potential legal proceedings whether instigated by or on behalf of the Council or otherwise, in relation to any matter in which the Council is, has been, or may become involved, whether directly or indirectly.

5. To act as the qualified person for the purposed of the Freedom of Information Act 2000 and any instrument made thereunder.

6. To act as the Council's Data Protection Officer under the Data Protection Act 1998.

Dispensations

7. Following consultation with the Chair and/or Vice Chair of the Standards Committee and an Independent Person, to determine requests for dispensations under section 33 of the Localism Act 2011, if the requests are justified by reference to one of the following conditions:

   a) that so many members of the decision-making body have an interest preventing participation that it would "*impede"* the transaction of the business'; or

   b) that without the dispensation, the representation of different political groups on the decision-making body would be so upset as to alter the outcome of any vote on the matter.

. In consultation with the Senior Management Team and/or Chief Executive as the Head of Legal and Governance & Monitoring Officer deems appropriate, to instruct and use Counsel and other external professionals / experts / advisors in respect of any legal issues relating to the Council provided the same is in accordance with the Financial and Contract Procedure Rules.

8. To instigate, prosecute, defend, and appear in any legal proceedings (including tribunals, hearings and inquiries) on behalf of the Council, together with the

undertaking of such preliminary or further work in relation to the same as the Head of Legal & Governance and Monitoring Officer deems appropriate, including in particular but without prejudice to the generality of the foregoing, proceedings in relation to:

a) prosecutions,
b) injunctions,
c) possessions,
d) appeals; and
e) complaints

subject to the Head of Legal and Governance & Monitoring Officer applying any Council policy or other guidance in deciding whether to commence or defend an action.

9. To prepare, issue and serve any Notices, Orders, Requisitions or other documents arising from or relating to the carrying out of any function of the Council (including the power to withdraw, vary or revoke the same (as the case may be)) which by virtue of any primary and/or secondary legislation the Council is empowered to issue and serve.

10. To take such further action as the Head of Legal and Governance & Monitoring Officer at his/her absolute discretion deems necessary for the purposes of implementing, enforcing in respect of breaches of, or regulating any decisions, Notices, Orders, Requisitions or other documents (including any conditions relating thereto) issued by or on behalf of the Council, including authority to authorise direct action, **provided** any costs in respect of the same can be met from existing budget provision.

11. To consider applications for, any representations received (within any time period specified in respect of the same, or if none, then prior to the date when a determination is made) in respect of, and determine whether to grant or refuse (with or without modification) a road closure pursuant to the Town Police Clauses Act 1847, **provided** that where any objection is received within the representation period as identified above then such power shall only be exercised after consultation with the Member(s*)* within whose ward(s) the road closure lies.

12. To make and determine whether or not to confirm (with or without modification) a Tree Preservation Order pursuant to the Town and Country Planning Act 1990.

13. To consider and determine whether to vary and/or revoke a Tree Preservation Order pursuant to the Town and Country Planning Act 1990.

14. To make, and where no objections have been received, determine whether or not to confirm any bylaw for which the Council has the statutory power to issue, **provided** that where an objection has been received in respect of the matters herein, then determination by the Head of Legal and Governance & Monitoring Officer can still be made, but only if:

a) in the opinion of the Head of Legal and Governance & Monitoring Officer there is an urgent need for a decision; and
b) there is prior consultation as to the reason for the urgency with Chair of the Committee (or Vice-Chair if the Chair is unavailable) that incorporates the function directly affected by the proposed decision.

15. To attest the Council seal and sign any document necessary to give effect to:

a) a resolution of the Council (as the case may be); and/or

b) the exercise of a power or function delegated by the Council, (as the case may be),**provided** that any such attestation or signing accords with the provisions of Article 13 of the Constitution (as may be amended from time to time).

16. Power to amend and update the Council's Corporate Policy and Procedures document on the Regulation of Investigatory powers Act 2000.

17. To act as the Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000.

18. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.

19. Power to amend, update and vary the Council's Freedom of Information Act 2000 publication schedule and charging policy.

20. The power to review a decision as to whether an asset is an asset of community value.

Ombudsman Complaints

21. Power to authorise complaint/ombudsman compensation for up to £2,000, subject to prior consultation with the Leader or Deputy Leader.

Housing

22. To appoint Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors of the Council necessary for the discharge of the functions, powers and duties contained or referred to in the legislation specified below.

23. To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the said functions, powers and duties, on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.

24. To take whatever action s/he deems appropriate, including the power of entry, taking such action as may be permitted or required, service of Notices, issuing, granting, varying, revoking, cancelling, refusing, and suspending of consents, permits, authorisations, approvals, licences and registrations and carrying out works in default and issue requests and service of requisitions for information in respect of all functions, powers and duties specified under the following legislation.

Legislation

Title of Act	**Relevant Part**
Building Act 1984	Sections 59, 76, 79, 95, 96, 97 and 99
Deregulation Act 2015	
Energy Act 2011	
Environmental Protection Act 1990	Sections. 79, 80 and 81 Schedule 3, para 2

Home Energy Conservation Act 1995	
Housing Grants Construction and Regeneration Act 1996	Chapters I, II, III and IV
Regulatory Reform Order 2002	
Housing Act 1985	
Housing Act 1996	
Housing Act 2004	Parts 1 to 6
Housing and Planning Act 2016	
Housing and Regeneration Act 2008	Parts 1 to 3 and Schedules
Homelessness Act 2002	
Landlord and Tenant Act 1985	Sections 4, 5, 6 and 34
Law of Property Act 1925	Part 3
Local Government (Miscellaneous Provisions) Act 1976	Sections 15, 16 and 33
Local Government (Miscellaneous Provisions) Act 1982	Sections 17 and 29
Prevention of Damage by Pests Act 1949	Sections 4, 5 and 22
Public Health Act 1936	
Public Health Act 1961	
Smoke and Carbon Monoxide Alarm (England) Regulations 2015	

25. To manage and administer the giving of grants under the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing assistance) (England and Wales) Order 2002 and the Council's policies made thereunder.

26. To approve such grants up to the maximum values specified within the Council's policy from time to time.

27. To serve such Notices and take such action as the Head of Legal and Governance shall deem appropriate to enforce the provisions of the Housing Act 2004, to take such legal action as s/he shall deem appropriate.

28. To manage and administer a licensing system for Houses in Multiple Occupation as required by Part 2 of the Housing Act 2004, including the power:

    a) to approve or refuse applications for licences subject to such conditions as the Head of Legal and Governance shall deem appropriate;
    b) to revoke or vary any licence granted; and
    c) to take such action, including the service of Notices or the instigation of legal proceedings, to enforce the provisions of the licence and/or the Housing Act 2004.

29. To investigate any allegations of illegal eviction and to take such action as s/he shall deem appropriate.

Revenues and Benefits

30. To administer, operate and collect the Council Tax and National Non-Domestic rates schemes, including the granting of exemptions, discounts, disabled banding reductions in accordance with current legislation and guidelines.

31. To administer and implement the Housing Benefit and Council Tax benefit schemes, including the exercise of any discretion on behalf of the Council in respect of the same, all in accordance with relevant primary and secondary legislation applicable at the time and such Council policies and strategies as may be in place from time to time.

32. To represent the Council at meetings called to discuss the potential bankruptcy of an individual third party or the liquidation of a company/limited partnership etc.

33. To approve or refuse applications for mandatory rate relief under Section 43(6) of the Local Government Finance Act 1988 (as may be amended or re-enacted from time to time), subject to details of approvals being reported to the appropriate Area Committee for information only.

34. To approve or refuse claims for a reduction in Council Tax due as a consequence of the statutory provisions of the Local Government Finance Act 1992 (or as may be amended or re-enacted from time to time).

35. To determine rate relief applications from district wide organisations under the statutory provisions of the Local Government Finance Act 1988, and the Local Government and Rating Act 1997 and to determine rate relief applications under the Rating (Former Agricultural Premises and Rural Shops) Act 2001.

36. To represent the Council in the Magistrates Court on all applications associated with debt recovery to include Liability Orders and Committal proceedings in respect of Council tax and Non Domestic Rates.

37. To administer the Discretionary Housing Payment Scheme and to make decisions in respect of applications.

38. To administer formal cautions for offences relating to housing benefit and council tax benefit fraud.

39. To offer administrative penalties as an alternative to prosecution for housing benefit and council tax fraud cases.

40. To instigate, defend, attend at, represent and take further action as deemed appropriate in respect of housing benefit and/or council tax benefit appeal.

41. To select and appoint bailiffs for recovery of debt in accordance with the Financial and Contract Procedure Rules.

42. To sign, issue and serve completion notices under section17 Local Government Act 1992 or any statutory amendment or re-enactment thereof.

43. To administer the invoicing of customers and recovery of sums due.

44. To authorise writing-off customer invoices, subject to the amount to be written off in respect of one customer not exceeding the limits set under the Financial Procedure Rules.

45. To take any applicable recovery action in respect of outstanding sums due to the Council including, subject to approval of the Head of Legal and Governance & Monitoring Officer, appearing in the County Court before a District Judge.

46. The power to agree valuations and arrangements for payment for the purposes of the clawback agreement contained within the contract/transfer of the Council Housing stock to Westward Housing subject to consultation with the Asset Management Working Group or any replacement thereof.

47. Subject to consultation with the Leader/Deputy Leader the power to take a decision as to whether as asset is an asset of community value and a decision on whether compensation is payable and the amount of any compensation so payable under relevant legislation.

48. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.

49. To consider and determine all matters arising under Part VI and Part VII of the Housing Act 1996 including in particular, but without prejudice to the generality of the foregoing the determination:

    a) as to whether a person is a qualifying tenant;
    b) under any housing allocation scheme adopted by the Council from time to time;
    c) as to whether a person should be removed from the Housing Waiting list;
    d) of allocations (including nominations) of residential properties to persons; and
    e) of homelessness applications, reviews and other determinations to be made in relation to persons purporting to be homeless.

50. To negotiate private sector leasing schemes with private landlords to prepare such documentation as may be necessary to give effect to those agreed schemes.

51. The power to execute on behalf of the Council agreements relating to occupation of Council homeless accommodation

52. The power to award grants and loans for the purpose of preventing homelessness and for providing local welfare support up to and including a value of £3,000 subject to the same being within budget and being in compliance with adopted policies.

53. The power to award grants and loans for the purpose of preventing homelessness and for providing local welfare support for a value of between £3,000 and up to and including a value of £5,000 subject to the same being within budget and in compliance with adopted policies and subject also to prior consultation with the Finance Manager and S151 Officer and the appropriate Lead Member.

54. To consider and accept or refuse offers of re-purchase and determine applications for consent pursuant to covenants imposed on right to buy sales under the Housing Act 1985 (as amended).

55. To consider and determine applications for postponement of the council's discount charge on properties purchased under the right to buy scheme contained in the Housing Act 1985 (as amended).

56. To administer and implement the Council Tax Support Scheme and The Exceptional Hardship Policy adopted from time to time by the Council including the power to approve or refuse claims and make decisions and consider appeals as required or allowed by the Scheme and Policy, in accordance with the relevant primary and secondary legislation applicable at the time.

57. The power to review a decision as to whether compensation is payable and amount of any compensation so payable under relevant legislation.

58. Consultation with the Lead Members for Revenues and Benefits to make amendments to the Council Tax Reduction Policy to take account of typographical issues and further changes in Law, Government Guidance or Policy.

B5 HEAD OF COMMUNITIES AND PLACE

Corporate Property and Procurement

1. To carry out the Council's statutory functions as Street Naming and Numbering Authority in accordance with section 19 of the Public Health Act 1925 and sections 21, 64 and 65 of the Town Improvement Clauses Act 1847.

2. To authorise assignments of Leases where such assignments, under the terms of the existing Lease, might not be unreasonably withheld.

3. To refuse applications to purchase Council land and/or buildings if the application is contrary to an adopted Council policy.

4. To agree the change of use of shops owned by the Council (subject always to compliance with planning legislation) where for the purposes of good management such a change is justified.

5. To determine applications and set charges for temporary access over Council land and to determine applications for temporary licences for use of Council land.

6. To determine applications for Wayleave Agreements, licences and Easements across Council land.

7. To acquire areas of land where the consideration is less than £3,000 and provided a budget exists for the purchase.

8. To issue and renew annual Licences.

9. To set charges for new and existing Licences.

10. To dispose of land, whether on a freehold or leasehold interest, up to a value of £5,000 consideration or £1,000 per annum rental except where in the opinion of the Finance Manager and S151 Officer the land is considered to be of significance to the Council's land holding portfolio or appears to be a key piece of land in relation to any adjoining development potential.

11. To consider and determine all rent reviews and lease renewals.

12. To refer rent reviews to third party determination if no agreement is made.

13. To serve such Notices as are necessary to be served under Landlord and Tenant legislation or otherwise in accordance with the property management function.

14. To undertake the roles in relation to asset management as may be identified in the Asset Management Plan (as may be amended from time to time).

15. To accept surrenders of interests in Council owned land and or buildings.

16. For the avoidance of doubt, the above powers shall be exercisable by the Finance Manager and S151 Officer in respect of land even if delegated power in respect of that land has been given to another officer.

17. To carry out the Council's functions as Land Drainage Authority in accordance with the Land Drainage Act 1991 and subsequent amendments.

18. To carry out the Council's functions as Maritime District Council in accordance with the Coast Protection Act 1949 and subsequent amendments.

19. To manage and administer the Council's procurement systems.

20. To manage and administer the Caddsdown Business Park including:-

    a) Instructing the Head of Legal and Governance & Monitoring Officer to prepare tenancy agreements in respect of the same;

    b) Taking such action to regain possession of any part of the Council's Property Estate as shall be deemed appropriate by Thee Estates Manager in consultation with the Head of Legal and Governance & Monitoring Officer;

    c) Authorising assignments of leases where such assignments, under the terms of the existing lease, might not be unreasonably withheld;

    d) Serving such Notices as are necessary to be served under Landlord and Tenant legislation or otherwise in accordance with the property management function above; and

    e) To accept surrenders of interests in Council owned land and or buildings

<u>Development Control</u>

21. Subject to provision 35 below, to consider and determine any application submitted under the Planning Acts including:-

    a) Applications for Planning Permission (Outline and Full) and for approval of Reserved Matters;
    b) Applications for Advertisement Consent;
    c) Applications for Listed Building Consent;
    d) Applications for Conservation Area Consent;
    e) Consultations by Devon County Council on County matters;
    f) Applications and consultations by Statutory Consultees or their successors;
    g) Applications for a grant of planning permission subject to a new time limit;
    h) Applications for a non-material change to a planning permission;
    i) Applications for Certificates of Lawful Use or Development; and
    j) Applications to vary or revoke Planning Obligations or section 52/106 Agreements.

22. The exceptions to provision 34 above, which will be determined by the Plans Committee, are as follows:

a) Applications made by or relating to land owned by Torridge District Council;
b) Applications made by or relating to land owned by Members, Officers or any immediate family members of any Members or Officers which are recommended for approval;
c) Applications in respect of which the Head of Communities and Place receives within 28 days of notification of receipt of the application being first sent to Members a written representation from the Ward Member or a Member of the Plans Committee which in the opinion of the Head of Communities and Place contains planning reasons indicating why the matter should be determined by Committee. Ward Members do not need to provide reasons for referring a matter to Plans Committee ;
d) Upon the Head of Communities and Place, Chief Executive or Leader of the Council exercising a discretion to refer the matter to the Plans Committee;

Note: For the purpose of provision 35(b) above, "***immediate family***" includes all or any of an Officer or a Member's:-

(i) spouse or partner;
(ii) brother or sister;
(iii) son or daughter;
(iv) mother or father; or
(v) grandparents

23. Applications for non-material changes to planning permissions shall be determined by the Head of Communities and Place subject to prior consultation with the Chair and/or Vice Chair of Plans Committee.

24. To exercise and determine all functions of the Council arising from the Planning Acts or any Regulations made pursuant to them (as revoked and replaced or modified from time to time) which in the opinion of the Head of Communities and Place can reasonably be regarded as ancillary to the process of determining applications made pursuant to the Planning Acts, including in particular (but without prejudice to the generality of the foregoing):

a) the determination of whether an environmental impact assessment is required in relation to an application;
b) the determination of any scoping or screening opinion in relation to environmental impact assessments;
c) whether and what additional information is required in respect of an application;
d) whether any matters which would normally be reserved matters should be required as part of an outline application;
e) to determine when to place an application (whether previously deferred by any Committee or otherwise) on an agenda;
f) to determine whether to refer an application to the Secretary of State as a departure from the Development Plan;
g) to determine whether or not to decline to determine an application submitted within two years of a previous submission dismissed on appeal;
h) to seek the securing of the withdrawal of applications outstanding for a period in excess of one calendar year;
i) to refuse requests for deferment by any party if the Head of Communities and Place is satisfied that there is sufficient information available for the matter to be determined;
j) to approve requests for deferment of an application; and
k) to determine sign and issue decision notices.

25. To consider and determine any matter arising in respect of the Council's planning function (including the power to issue and serve any approval, consent, Notice or other document relating to the same), including in particular, but without prejudice to the generality of the foregoing:

a) the approval or refusal (with or without modification) of footpath diversions/extinguishments;
b) consultation responses to Forestry Authority matters;
c) whether to issue a Building Preservation Notice;
d) whether to make a direction for the purposes of Article 4 of the Town and Country Planning General Permitted Development Order 1995;
e) the exercise of all the Council's powers in relation to the Hedgerow Regulations 1997 (as may be amended from time to time);
f) determinations in respect of telecommunication applications pursuant to the Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
g) determinations in respect of agricultural and forestry buildings and operations Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
h) the making of recommendations to a neighbouring planning authority when consulted on an application;
i) the determination of circular 18/84 applications;
j) whether to require and the content of a planning obligation for the purposes of an application under the Planning Acts;
k) whether to approve an application for variation or revocation of a planning obligation;
l) whether to approve demolitions pursuant to the Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
m) whether to exercise such rights of entry as are available to Officers or others as the Head of Communities and Place may authorise so far as is permitted by the Planning Acts;
n) the determination of whether or not to grant consent for overhead lines;
o) the determination of the appropriate course of action, and to undertake all actions relating to, any appeal arising under the Planning Acts or otherwise in connection with Council's planning functions;
p) to determine whether or not to issue notices, and arrange for the removal or obliteration of illegal advertisements, placards or posters (so far as permissible by law), including power to designate Officers as "*authorised Officers*" for such purposes.

26. To investigate and determine whether or not to issue and serve any Notice which in the opinion of the Head of Communities and Place is appropriate in order to regulate planning breaches (including conditions attached to any permissions or consents) pursuant to the Planning Acts, including in particular but without prejudice to the generality of the foregoing:

a) Requisitions for Information and Planning Contravention Notices;
b) Enforcement Notices (including those relating to listed buildings and conservation areas);
c) Breach of Condition Notices;
d) section 215 Notices;
e) repairs notices pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended from time to time);
f) Stop Notices; and
g) notices relating to Tree Preservation Orders,

27. To authorise the instigation of prosecution proceedings or such other action as in the opinion of the Head of Communities and Place is appropriate in order to regulate planning breaches pursuant to the Planning Acts, including in particular but without prejudice to the generality of the foregoing:

    a) non-compliance with any Notices issued pursuant to provision 29 above;
    b) unauthorised advertisements;
    c) unauthorised works to listed buildings; and
    d) unauthorised works to trees.

28. To respond to notifications from the Forestry Commission in respect of Woodland Grant Schemes and similar programmes and applications for tree felling licences.

29. Determination of applications for consent under an order under Section 198 of the Town and Country Planning Act 1990 to the cutting down, topping, lopping or felling of trees.

30. Granting of permission for the erection of temporary direction signs by motoring organisations.

31. Determination of what constitutes a County matter.

32. Serving of Notices under Sections 3 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of works for the preservation of listed buildings.

33. To determine whether to make a Tree Preservation Order.

34. Responding to notifications from the Caravan and Camping Club, or other certified organisations, under the provisions of the Control and Development of Caravan Site Acts 1960 in respect of (5 Caravan) Certified Sites.

35. Collection of Planning fees in accordance with the relevant Regulations and Government Guidance.

36. Determination of applications for conservation grants to assist the enhancement/restoration of Listed Buildings, Conservation Areas or other buildings and areas of importance in accordance with approved initiatives.

37. Responding to consultations by Devon County Council relating to public footpaths.

38. Determination of applications for a Certificate of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961.

39. To accept and agree amendments to submitted applications.

Community Planning

40. To prepare Planning Policy documents to meet the requirements of the Planning and Compulsory Purchase Act 2004 including:

    a) The preparation and consultation on draft local development schemes or amendments to such schemes;
    b) The identification, scoping and progression of evidence gathering requirements;
    c) The agreement of briefs or project specifications for detailed study once the project is included in the approved work programme;

d) The preparation of draft options reports, Development Plan documents and Supplementary Planning Documents and other Planning Policy Guidance as required for consultation and to undertake the appropriate consultation necessary to commission strategic environmental assessment, sustainability appraisal and other similar exercises as appropriate on relevant local development documents and other supporting policy documents;

e) The preparation for public examination, including the engagement of specialist advice as required; and

f) The printing and publishing of adopted Local Development Documents.

41. Subject to the limits imposed by the Council's Financial Procedure Rules and in consultation with the Chair of the Council's Community and Resources Committee to negotiate and authorise the release of funds from the Affordable Housing Capital Fund to enable the delivery of approved affordable housing schemes across the District.

Building Control

42. To consider, determine and issue all Decisions and Notices arising under the Building Act 1984 and any building regulations insofar as they relate to the function of Building Control.

43. To serve such Notices or take such action as is considered appropriate under the Highways Act 1980 in so far as such provisions relate to public safety or the condition of buildings or land.

44. To relax or dispense with Building Regulations approvals and to sign and issue such decisions.

45. To withdraw Building Regulation approvals not exercised within three years. To refer to the Magistrates' Court, Notices under Section 77 of the Building Act 1984 requiring dangerous buildings to be made safe, and to take, or instruct emergency action under the provisions of Section 78 of the Building Act 1984.

46. To carry out, or instruct contractors to carry out, works in default of a Court Order obtained pursuant to Section 77 of the Building Act 1984.

47. To instruct the Head of Legal and Governance & Monitoring Officer to institute proceedings for infringement of the Building Act 1984, Highways Act 1980 or any Regulations made thereunder.

48. To serve Notice requiring removal or alteration of work not conforming with the Building Regulations (Section 36 of the Building Act 1984).

49. To issue Demolition Notices in respect of works falling within Section 80 of the Building Act 1984 and to sign and issue such Notices.

50. To issue Notices under Sections 24, 71 and 72 of the Building Act 1984, requiring adequate entrances, exits and means of escape in case of fire in appropriate buildings.

51. To serve Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings.

52. To appoint Consulting Engineers in accordance with the Financial Procedure Rules and Contract Procedure Rules.

53. To set Building Regulation fees, in consultation with the Finance Manager and S151 Officer.

54. To serve requisitions for information under s16 Local Government (Miscellaneous Provisions) Act 1976 and to instruct the Head of Legal and Governance & Monitoring Officer to prosecute for any non-compliance with the same.

55. To exercise all rights of entry on to land or buildings given to the Council under any legislation for the purposes of exercising any functions under the Building Act 1984, the Highways Act 1980 and any regulation made under either.

Waste

56. The power to manage, administer and operate a waste collection service in order to carry out the functions of the Council as Waste Collection Authority under the Environmental Protection Act 1990, the functions or powers of the Council under the Refuse Disposal (Amenity) Act 1978, Public Health Act 1961 and the Civic Amenities Act 1967 and any other such legislation giving powers to or imposing duties on the Council to collect waste or refuse.

57. The power to manage, administer and operate a litter collection service in order to carry out the duties and powers under the Environmental Protection Act 1990 and any other such legislation giving powers to or imposing duties on the Council to collect litter.

58. Without prejudice to the generality of the above, the power:-

    a) to determine whether a place at which waste is situated is so isolated as to make the cost of collection unreasonably high;
    b) to set charges for the collection of waste where permitted by legislation;
    c) to determine whether to collect industrial waste or other waste which the Council has the discretion to collect under any legislation;
    d) to dispose of any waste collected in accordance with legislation;
    e) to require the use of specific receptacles for storage and collection of waste;
    f) to prepare a waste collection plan in accordance with legislation;
    g) to serve Litter Clearing Notices; and
    h) to serve all notices, including Fixed Penalty Notices, and make all such determinations as permitted by the legislation referred to in provision 40 and 41 above.

Abandoned Vehicles

59. To exercise all powers and duties given to the Council to remove and dispose of abandoned and other vehicles under the Refuse Disposal (Amenity) Act 1978: Road Traffic Regulation Act 1984 and the Clean Neighbourhoods and Environment Act 2005.

Road Traffic and Car Parking

60. The power to manage, administer and operate the Council off-street car parks in accordance with the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and any other relevant legislation.

61. The power, in consultation with the appointed Lead Member with responsibility for Parking or the appropriate Committee Chairperson, to decide whether to

waive the requirement to pay for parking in any parking place where an organised event is taking place.

62. Without prejudice to the generality of provisions 44 and 45 above:

a) the power to issue Penalty Charge Notices;
b) the power to deal with representations and Appeals;
c) the power to commence proceedings for recovery of sums due;
d) the power to prosecute for breaches of the Off-Street Parking Places Order;
e) the power to carry out any works to the Off-street Parking Places as are considered necessary provided such works are within existing budgets and comply with all relevant Council Rules; and
f) the power to request information under the Road Traffic Regulation Act 1984.

Streets

63. The power to serve such Notices and take such other action as are deemed appropriate under the Anti Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005, including the power to serve fixed penalty notices.

64. The power to appoint authorised officers under the Anti-Social Behaviour, Crime and Policing Act 2014 following consultation with the Lead Member.

65. To serve Community Protection Notices pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

66. To issue Fixed Penalty Notices for non-compliance with Public Spaces Protection Orders and Community Protection Notices pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

67. Authority to establish the local threshold and procedures for the purposes of the Community Trigger, consistent with those established by the Safer North Devon Partnership or any equivalent successor body, pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

Harbour Undertaking

68. The power to manage, operate and administer the Council's harbour undertaking in accordance with all Local and National Legislation and guidance.

69. Without prejudice to the generality of the above, the power:-

a) to admit ships and boats to the harbour;
b) to levy such charges as the Council shall deem appropriate;
c) to enforce the provisions of Local and National Legislation and Byelaws with regard to the use of the harbour;
d) where the Head of Communities and Place deems it appropriate, to liaise with the Maritime and Coastguard Agency and all other Statutory Bodies with regard to management of the harbour and the vessels using the same; and

e) to manage and operate a pilotage service within the Taw Torridge estuary.

within the scope of policies and procedures agreed by the Harbour Board.

Economic Development

70. To enter into and manage contracts with external suppliers, service providers and professional consultants provided that the Contract Procedure Rules and the Financial Procedure Rules are complied with.

71. Agree Councillor Community Grant awards and Town and Parish awards under the Devon County Council scheme in accordance with the Grant schemes criteria in consultation with the Leader.

72. To dispose of plant and equipment used within the Service Area provided that the Financial and Contract Procedure Rules are complied with.

Culture and Leisure Services

73. To manage the Council's leisure and arts facilities.

74. To agree or refuse requests for the holding of events on Council leisure facilities and to instruct the Head of Legal and Governance & Monitoring Officer to prepare temporary event licences for such purposes.

75. To undertake initiatives and promotions seeking to encourage the use of the Council's leisure facilities or the promotion of sport, arts, culture and leisure within the Council's District provided such promotions and initiatives fall within existing budgets.

REGULATORY

76. To appoint Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors of the Council necessary for the discharge of the functions, powers and duties contained or referred to in the legislation specified below.

77. To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the said functions, powers and duties, on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.

78. To take whatever action s/he deems appropriate, including the power of entry, taking such action as may be permitted or required, service of Notices, issuing, granting, refusing,varying, cancelling, suspending and revoking of consents, permits, authorisations, approvals, licences and registrations and carrying out works in default and issue requests and service of requisitions for information in respect of all functions, powers and duties specified under the following legislation.

79. To consider representations in relation to *"minded to*" notices and to review "*Deferred Action"* Notices.

80. To consider and determine whether to issue a formal Caution in relation to any criminal matter for which the Head of Communities and Place has an express or implied delegated power.

81. For the avoidance of doubt where provided for by the legislation specified below the Head of Communities and Place and any other Officer(s) appointed by him/her shall be appointed as an authorised officer and/or Inspector for the purposes of that legislation.

82. To manage and administer the Northam Burrows Country Park.

83. Where the Head of Communities and Place considers it appropriate and after consultation with the Head of Legal and Governance & Monitoring Officer to prosecute any offences under the said legislation.

84. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.

85. In the absence of the Chief Executive, the Head of Communities and Place and Finance Manager and S151 may exercise the power to execute the Exclusive Right of Burials.

B6 SENIOR MANAGEMENT TEAM

General

1. The responsibility for:-

   a) ensuring that any duty placed on the Head of Legal and Governance & Monitoring Officer or the Senior Management Team in any policy adopted by the Council is implemented in respect of their Service Area and the functions undertaken by it;
   b) for the accountability and control of staff and security, custody and control of all other resources including plant, buildings, materials, cash and stores appertaining to their Service Area; and
   c) the day-to-day management of the Service Area of the Head of Legal and Governance & Monitoring Officer or the Senior Management Team and its personnel in accordance with any approved Council policies as have been adopted, and relate to the same.

2. To generate reports relating to the functions undertaken by the Service Area of the Head of Legal and Governance & Monitoring Officer or Senior Management Team, in consultation with such other units / Officers as the Head of Legal and Governance & Monitoring Officer or Senior Management Team deems appropriate and ensuring compliance with any Council policies in this regard.

3. The power for the Head of Legal and Governance & Monitoring Officer or Senior Management Team, to act on behalf of any Service Area and the Council, including the exercise of any powers delegated to them, when instructed to do so in connection with any matter for which that Service Area has power, including engaging in correspondence, negotiations or any other action that is necessary to fulfil that instruction.

4. To investigate and resolve complaints (whether made through the formal Council complaint procedure or otherwise) relating to the functions of the Service Area, provided that:

a) details of the complaint and any resolution are recorded on a central record in accordance with the Council's complaints procedure;
b) where a resolution of a complaint outside of the Council's formal complaint procedure (as amended from time to time) involves the payment or waiving of money then the same can be met without any increase to Service Area's existing budget and the prior consent of the Finance Manager and S151 Officer is secured; and
c) where a complaint is received using the Council's complaint's procedure (as amended from time to time), then all relevant provisions contained therein are complied with.

5. To undertake any roles, actions, or measures, including power to consider and determine any matter, allocated to the Head of Legal and Governance & Monitoring Officer or Senior Management Team within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.

6. To consider and determine whether to issue a formal Caution in respect of any matter for which the Senior Management Team has a delegated power to consider, authorise or approve the taking of criminal proceedings (or an alternative to the instigation of such proceedings), provided that prior to any such determination full regard must be had to any guidance that may be issued for the benefit of Crown Prosecutors in relation to the same, and that in the event of any doubt the Senior Management Team consults with the Head of Legal and Governance & Monitoring Officer.

7. The responsibility for the monitoring, storage, archiving and destruction of Council documentation resulting from or held by their Service Area provided the same is in accordance with Council policies.

Financial

8. To authorise the ordering of goods and services and payment in respect of the same in relation to the functions administered by the Service Area, **provided** the same does not exceed overall budgetary provisions for the Service Area and is in accordance with any policies adopted by the Council relating to the same.

9. Provided that it is in accordance with the Financial Procedure Rules, authorise instructions for:-

a) the raising of customer accounts;
b) to cancel customer accounts; and
c) to make recommendations to the Finance Manager and S151 Officer regarding the write off of customer accounts in respect of any functions of the Service Area.

Establishment

10. To authorise any other Officer within the Service Area of the Head of Legal and Governance & Monitoring Officer or the Senior Management Team to discharge a power delegated to the Head of Legal and Governance & Monitoring Officer or the Senior Management Team on his/her behalf, subject to such authorisations being in writing and registered with the Head of Legal and Governance & Monitoring Officer **unless** it is specifically stated that the power may not be delegated.

11. To authorise Officers and any other persons (including inspectors appointed on behalf of the Council) to carry out inspections and to exercise powers of entry for any purpose which in the opinion of the Head of Legal and Governance & Monitoring Officer or the Senior Management Team is reasonably necessary for the performance of a delegated or referred power or duty.