

## **PART 3 RESPONSIBILITIES FOR FUNCTIONS**

(This serves as the Register of Delegations)

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## **1. GENERIC**

Each Cabinet Member has a specific set of responsibilities prescribed by the Leader. In addition, all Cabinet Members have the following generic responsibilities;

1. To be responsible for
  - The delivery, development and review of all policy, strategy, action plans and budgets associated with the portfolio
  - Overseeing the effective operation and value for money of all services, contracts and partnerships associated with the portfolio
  - Establish – and maintain – effective working relationships with elected members, local communities and partner organisations who can contribute to the delivery of the portfolio and Council's priorities
  - The effective and efficient use of assets
  - Ensuring equality and diversity issues are considered in policy and service development and equality impact assessments are carried out
  - Systems thinking being applied to all services.
2. In consultation with the Leader, to represent and act as an ambassador for the Council.
3. To request or commission research and other studies on any matters of policy or service provision within these terms of reference.
4. To appoint or nominate the Council's representatives on outside bodies/organisations that falls within these terms of reference.
5. To take up corporate membership of any appropriate body or organisation whose objectives are considered to be beneficial to the pursuit of the Council's own activities.
6. To take decisions on matters which fall within the Portfolio Holder's terms of reference, subject to the requirements of the Council's Constitution.
7. To respond, as appropriate, to relevant consultation papers issued by the Government and outside organisations.
8. To contribute to Cabinet deliberations on all corporate matters that is outside the immediate terms of reference of this portfolio.
9. To work with other Cabinet Members as required on matters that cut across individual portfolios.
10. To work with other Cabinet Members on matters, as directed by the Leader.
11. To oversee the timely progress of Best Value Reviews covered by the portfolio.
12. To take decisions on matters which fall within the Cabinet Member's terms of reference with those decisions being published, included in the Register of Delegations and open for Scrutiny call-in.

## **2. LEADER AND CHAIR OF CABINET**

### **PORTFOLIO FOCUS**

The Corporate Delivery Plan 2009-13 sets out key actions for 2009/10 that the portfolio holder is expected to deliver;

#### **Equalities and Diversity**

- Undertake a peer review of our equalities performance with the aim of achieving Level 3/'Achieving level' of the Equalities Standard.

### **RESPONSIBILITIES**

To be responsible for;

- Deciding the allocation of executive responsibilities as set out in the Constitution.
- Preparing and publicising a Forward Plan of Key Decisions and a Cabinet Business Plan.
- Overseeing policy development and performance in a group of services including human resources, policy and communications.
- Specifying Cabinet member responsibilities not referred to in the portfolios; such matters including member training and development; twinning; the Council's representation on the Stroud District Local Strategic Partnership.

### **3. CLIMATE CHANGE**

#### **PORTFOLIO FOCUS**

The Corporate Delivery Plan 2009-13 sets out key actions for 2009/10 that the portfolio holder is expected to deliver;

#### **Community Emissions and Fuel Poverty**

- Re-launch the Target 2050 business programme with SWEA and enable 100 local businesses to receive energy audits over the next 2 years
- During the budget round to decide whether to continue investing in the Target 2050 domestic programme, which is helping local homes reduce their carbon emissions by 60%
- Adopt a new Private Sector Renewal Policy and invest £122,000 through the Warm & Well Programme in helping approximately 250 households reduce their fuel bills and carbon emissions
- Deliver the S25 project, which will help 100 vulnerable and private households in off-gas rural areas to significantly reduce their fuel bills and carbon emissions through the installation of enhanced energy efficiency and ground source heat pumps

#### **Leading by Example**

- Against a 2007/08 baseline to have reduced the council's direct operational carbon emissions by 16%

#### **Planning for the Future**

- Complete district wide energy audit and use this to develop the new Core Strategy
- To have reached Level 1 of National Indicator 188 that measures climate change adaptation progress

#### **Municipal Waste Strategy**

- Trial the collection of mixed plastics and cardboard through a wider network of 'Bring' sites and move further towards the recycling target set for the Stroud District within Gloucestershire Local Area Agreement.
- Work with the County Council with the aim of influencing them in procuring an appropriate residual waste treatment solution for Gloucestershire.
- Work with the County Council and other districts to consider the formation of a Joint Committee to oversee Gloucestershire's waste.

## **RESPONSIBILITIES**

To be responsible for;

- Working with the community and partners to reduce the carbon footprint of the District and adapt to climate change.
- Overseeing work with the community and partners to enhance recycling and reduce landfill.
- Overseeing policy development and performance of a group of services that are delivering the Council's work on climate change.

## **4. COMMUNITY SERVICES**

### **PORTFOLIO FOCUS**

The Corporate Delivery Plan 2009-13 sets out key actions for 2009/10 that the portfolio holder is expected to deliver;

#### **Public Spaces Management**

- Deliver 4 'Pride in your Neighbourhood' (PiYN) events.
- Refurbish a further 2 Public Conveniences (Stratford Park and Bedford Street).
- Trial the use of Fixed Penalty Notices for public space offences such as littering.
- Introduce street drinking bye-laws in Dursley.
- Reduce by at least 2% the number of public space crimes of local concern, in particular thefts from and of motor vehicles and criminal damage, compared to a base line of 2007/8.
- Improve participation in the Police Neighbourhood Management Areas.

#### **Leisure**

- Review Museum costs

### **RESPONSIBILITIES**

To be responsible for;

- Overseeing the Council's relationship and funding arrangements with the voluntary and community sectors.
- Overseeing policy development and performance of a group of services including Community Safety, Cultural Services, Public Spaces, Asset and Facility Management (General Fund).
- Provide member leadership on children and young people issues, Hear by Right, community safety partnership work, civil contingencies and licensing matters.
- Working with the community and partner organisations on improving access to local health and wellbeing facilities and services.

## **5. DEVELOPMENT**

### **PORTFOLIO FOCUS**

The Corporate Delivery Plan 2009-13 sets out key actions for 2009/10 that the Portfolio holder is expected to deliver;

#### **Core Strategy**

- Work with the Local Strategic Partnership to adopt a new Sustainable Community Strategy.
- Deliver the actions identified for the year in the Local Development Scheme.

### **RESPONSIBILITIES**

To be responsible for;

- Understanding the needs of neighbourhoods and communities by supporting the development of town and parish plans and ensuring that these inform the work of the Council.
- Overseeing policy development and performance of a group of services including Planning, Building Control, and Environmental Health.
- Overseeing the rural proofing of Council policy and services.
- Member leadership in delivering improvements in planning performance.

## **6. FINANCE**

### **PORTFOLIO FOCUS**

The Corporate Delivery Plan 2009-13 sets out key actions for 2009/10 that the portfolio holder is expected to deliver;

#### **Finance**

- Start the budget setting process earlier to allow more time to consider and consult on options for efficiency savings.
- Look at our spending on employees compared to our overall spending.
- Continue to be in the top quartile nationally for Council Tax and Business Rate collection and continue to strive for this in terms of rent collection.
- Maintain our current score of 3 for the Audit Commission's Use of Resources Assessment.

#### **Systems Thinking**

- Improve our approach to and coverage of National Indicator 14, which measure avoidable contact\* with the Council and will support our systems thinking programme. (\*Avoidable contact relates to activities that offer little or no value to us or our customers)
- Continue the refresh of the website making it easier for customers to undertake transactions and information.

### **RESPONSIBILITIES**

To be responsible for;

- Overseeing the Council's Medium Term Financial Plan and Annual budget, Statement of Accounts, Treasury Management Strategy, Risk Management Strategy, Procurement Strategy and Use of Resources work.
- Overseeing policy development and performance of a group of services including Finance, Revenues and Benefits, Modernisation and ICT, Legal Services, Customer Services.
- Providing member leadership on concessionary fares, pension fund issues and efficiency savings.
- Overseeing the Council's work on systems thinking and putting the citizen first.

## **7. HOUSING**

### **PORTFOLIO FOCUS**

The Corporate Delivery Plan 2009-13 sets out key actions for 2009/10 that the portfolio holder is expected to deliver;

#### **Affordable Housing**

- Investigate alternative forms of affordable housing provision to fill in gaps caused by the falling housing market, including purchasing new private sector properties for use by Registered Social Landlords.
- Review the Housing Revenue Account assets and develop the business case for increasing our housing stock through new build.
- Work in partnership to complete county-wide housing needs survey.

#### **Decent Homes**

- Adopt a new Housing Asset Management Strategy designed to take a long term investment view of the Councils housing stock; an affordable borrowing strategy may help deliver our long term goals.
- Following extensive resident and tenant consultation decide on the most appropriate option for the Minchinhampton Woolaway properties.
- By March 2011 achieve 95% decency in our housing stock, as defined by the Decent Homes Standard.
- Continue to press for a fair deal for Stroud's council tenants in the new national housing finance regime.
- Review our housing assets and consider business case for increasing our housing stock through new build/acquisition
- To take account of declining Government and Council resources and develop a new Private Sector Housing Renewal Strategy that allows a better targeting of resources on fuel poverty and sustainable energy.
- Develop a new Housing Revenue Account Asset Management Plan that better balances fuel poverty and sustainable energy priorities against those of the Decent Homes Standard. To include achieving highest possible sustainable energy standards in any new build or major renovation works (e.g. Minchinhampton).

## **RESPONSIBILITIES**

To be responsible for;

- Understanding the needs of neighbourhoods and communities by encouraging local housing needs surveys, and work to identify opportunities for affordable housing schemes.
- Deciding the best use of limited resources available to the Council for improving, repairing and maintaining the District's housing stock based on Council approved strategies.
- Helping local people access homes of their choice.
- Overseeing policy development and performance of a group of services including Housing, Asset Management (HRA) and the work of other parts of the Council that contribute towards housing strategies and business plans.
- Member leadership in delivering improvements in housing performance.
- Working with the community, tenants and partners, including Supporting People and tenant representative groups.

## **8. REGENERATION**

### **PORTFOLIO FOCUS**

The Corporate Delivery Plan 2009-13 sets out key actions for 2009/10 that the portfolio holder is expected to deliver;

#### **Economic Downturn**

- To help local businesses cope with the recession and plan for recovery

#### **Canal**

- Establish a new project team and agree a revised programme of work for the restoration of the canal
- Establish the Stroud Valleys Canal company as a fit for purpose charitable organisation to act as the land holding body

#### **Leisure**

- Progress Stratford Park Leisure Centre procurement in accordance with timetable and review Joint Use Centre costs

### **RESPONSIBILITIES**

To be responsible for:

- Overseeing policy development and performance of a group of services including the Canal Project and Regeneration
- Leading the Council's work on tourism/rural and community transport
- Supporting the delivery of major regeneration projects that bring major economic, social and environmental benefits to the District

## **8. CHAIR OF COUNCIL**

### **8.1 Role Purpose**

- (a) To be the Civic Head of Stroud District Council.
- (b) To chair Council Meetings.

### **8.2 Duties and Responsibilities**

- (a) To represent the Council in the District and elsewhere on occasions where a civic representative is invited or otherwise required, including civic links with our twin district.
- (b) To initiate events, receptions, programmes and activities designed to recognise and encourage civic awareness in the community.
- (c) To attend and chair briefings for Council meetings, involving leaders of the political groups and to be proactive in making proposals for the effective conduct of the agenda.
- (d) To chair meetings of the Council ensuring among other things that all points of view have a fair opportunity to be heard, that Procedure Rules are applied and observed, and that debate is guided towards clear and relevant decisions.
- (e) To host Council events of a non-party-political nature as required.
- (f) To supervise the organisation of an annual Civic Service.
- (g) To promote good relationships between Councillors, between political groups and between Councillors and officers.
- (h) To ensure that the Civic Fund is spent to the best advantage of the whole District.
- (i) To ensure that the Vice-Chair is kept informed of all relevant civic matters and has a useful civic role during his/her period of office.

## **9 VICE-CHAIR OF COUNCIL**

### **9.1 Role Purpose**

To support the Chair of Council in his/her role and in his/her absence:

- (a) To be the Civic Head of Stroud District Council.
- (b) To chair Council Meetings.

### **9.2 Duties and Responsibilities**

- (a) To represent the Council in the District and elsewhere on occasions where a civic representative is invited or otherwise required, including civic links with our twin district.
- (b) To initiate events, receptions, programmes and activities designed to recognise and encourage civic awareness in the community.
- (c) To attend and chair briefings for Council meetings, involving leaders of the political groups and to be proactive in making proposals for the effective conduct of the agenda.
- (d) To chair meetings of the Council ensuring among other things that all points of view have a fair opportunity to be heard, that Procedure Rules are applied and observed, and that debate is guided towards clear and relevant decisions.
- (e) To host Council events of a non-party-political nature as required.
- (f) To supervise the organisation of an annual Civic Service.
- (g) To promote good relationships between Councillors, between political groups and between Councillors and officers.
- (h) To ensure that the Civic Fund is spent to the best advantage of the whole District.

## **10 CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE**

10.1 The Chair of each Overview and Scrutiny Committee is responsible for the effective management and running of the Committee's business. This involves directing the Committee's Business Agenda and the effective management of Committee deliberations and maintaining a public image of effective scrutiny of the Council's business and other matters brought before it.

The Chair of each Committee is expected to identify areas for inclusion in the Committee's work programme and ensure the Scrutiny Committee Members are taking part at all stages in deliberations.

The Chair of each Committee shall have responsibility for the Agenda preparation of their Overview and Scrutiny Committee which shall be based upon their annual work programme. The work programme may be amended from time to time.

### **10.2 Terms of Reference**

- (a) To Chair meetings of the Overview and Scrutiny Committee.
- (b) To present to Council reports of individual scrutiny reviews following the completion of such reviews.
- (c) To present and monitor progress in respect of the Overview and Scrutiny Committee's work programme.
- (d) To receive decisions and relevant papers from the Executive.
- (e) In conjunction with the Chief Executive, to draw up terms of reference for individual scrutiny reviews for submission to the Scrutiny Committee.
- (f) In conjunction with the Vice-Chair to give initial consideration to first draft reports of the Committee's Scrutiny Review.
- (g) In conjunction with the Vice-Chair to determine appropriate means of inviting and involving public comment and representations on matters under scrutiny.
- (h) In conjunction with the Vice-Chair to ensure appropriate expert and specialist advice is made available to the Overview and Scrutiny Committee, including the use of advisory groups.
- (i) To commission appropriate research based on Overview and Scrutiny Committee decisions.
- (j) To determine, in liaison with the Chief Executive, arrangements for special meetings of the Overview and Scrutiny Committee.
- (k) To ensure, in liaison with the Chief Executive, that Committee Members benefit from appropriate training and development to deal effectively with the Committee's business.

- (l) In consultation with the Executive Portfolio Holder for Finance and Corporate Services to monitor the budget of the Overview and Scrutiny Committee and authorise such expenditure.
- (m) To focus on external bodies in accordance with Government Guidance.

## **11 VICE-CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE**

11.1 The Vice-Chair of the Overview and Scrutiny Committee is responsible for supporting the Chair with the effective management and running of the Committee's business. In the absence of the Chair, the Vice-Chair will chair Committee meetings and conduct its business. This involves directing the Committee's Business Agenda and the effective management of Committee deliberations and maintaining a public image of effective scrutiny of the Council's business and other matters brought before it.

The Vice-Chair is expected to support the Chair in identifying areas for scrutiny and ensuring that Scrutiny Committee Members are taking part at all stages of deliberations.

### **11.2 Terms of Reference**

- (a) To support the Chair of the Overview and Scrutiny Committee and in the absence of the Chair, chair meetings, conduct the Committee's business and present scrutiny reports to the Council.
- (b) To receive decisions and relevant papers from the Executive.
- (c) In conjunction with the Chair and Chief Executive, to draw up terms of reference for individual scrutiny reviews for submission to the Overview and Scrutiny Committee.
- (d) In conjunction with the Chair, to determine appropriate means of inviting and involving public comment and representations on matters under scrutiny.
- (e) In conjunction with the Chair, to give initial consideration to first draft reports of the Overview and Scrutiny Committee's Review.
- (f) In conjunction with the Chair, to ensure appropriate expert and specialist advice is made available to the Overview and Scrutiny Committee including the use of advisory groups.
- (g) In conjunction with the Chair, to commission appropriate research based on Overview and Scrutiny Committee decisions.

## **12 CHAIR OF DEVELOPMENT CONTROL COMMITTEE**

12.1 The Chair of the Development Control Committee is responsible for the effective management and running of the Committee's business. This involves directing the Committee's Business Agenda and the effective management of Committee deliberations and maintaining a public image of effective consideration of development control matters and other business brought before it.

The Chair of the Committee is expected to identify areas for inclusion in the Committee's work programme and ensure the Committee Members are taking part at all stages in deliberations.

### **12.2 Terms of Reference**

- (a) To Chair meetings of the Development Control Committee.
- (b) To Chair meetings of the Sites Inspection Panel.
- (c) In conjunction with the Vice-Chair to ensure appropriate expert and specialist advice is made available to the Committee.
- (d) To determine, in liaison with the Chief Executive, arrangements for special meetings of the Committee.
- (e) To ensure, in liaison with the Chief Executive, that Committee Members benefit from appropriate training and development to deal effectively with the Committee's business.
- (f) To maintain high standards of probity and adherence to standards of conduct and protocols.
- (g) To maintain the non-party political status of Committee proceedings and meeting management.

## **13 VICE-CHAIR OF DEVELOPMENT CONTROL COMMITTEE**

13.1 The Vice-Chair of the Development Control Committee is responsible for supporting the Chair with the effective management and running of the Committee's business. In the absence of the Chair, the Vice-Chair will chair Committee meetings and conduct its business. This involves directing the Committee's Business Agenda and the effective management of Committee deliberations and maintaining a public image of effective management of the Council's business and other matters brought before it.

The Vice-Chair is expected to support the Chair in ensuring that Committee Members are taking part at all stages of deliberations.

### **13.2 Terms of Reference**

- (a) To support the Chair of the Committee and in the absence of the Chair, chair meetings and conduct the Committee's business.
- (b) In the absence of the Chair of the Committee to chair meetings of the Sites Inspection Panel.
- (c) In conjunction with the Chair to ensure appropriate expert and specialist advice is made available to the Committee.

## **14 CHAIR OF LICENSING AND REGULATION COMMITTEE**

14.1 The Chair of the Licensing and Regulation Committee is responsible for the effective management and running of the Committee's (including any panels) business. This involves directing the Committee's Business Agenda and the effective management of Committee deliberations, maintaining a public image of effective consideration of all licensing matters and other business brought before it. The Chair of the Committee is expected to identify areas for inclusion in the Committee's work programme and ensure the Committee Members are taking part at all stages in deliberations.

### **14.2 Terms of Reference**

- (a) To Chair meetings of the Licensing and Regulation Committee.
- (b) When sitting as a member of a Licensing panel to Chair that panel hearing.
- (c) To present to the Council annually at regular intervals, appropriate reports relating to premises licence applications and reviews indicating the determination of such applications or reviews, including in those reports information relating to the number of licensed premises and the general impact of alcohol related crime and disorder within the area.
- (d) To promote good relationships between the Council, the various licensing trade groups and communities within the District.
- (e) In conjunction with the Chief Executive and Head of Legal Services to ensure appropriate expert and specialist advice is made available to the Committee and any panels.
- (f) To ensure, in liaison with the Chief Executive, that Committee Members benefit from appropriate training and development to deal effectively with the Committee's business.
- (g) To maintain high standards of probity and adherence to standards of conduct and protocols.
- (h) To maintain the non-party political status of Committee proceedings and meeting management.
- (i) In conjunction with the Vice-Chair to determine appropriate means of involving public comment and representations on matters of policy under review.

## **15 VICE-CHAIR OF LICENSING AND REGULATION COMMITTEE**

15.1 The Vice-Chair of the Licensing and Regulation Committee is responsible for supporting the Chair with the effective management and running of the Committee's business. In the absence of the Chair, the Vice-Chair will chair Committee meetings and conduct its business. This involves directing the Committee's Business Agenda and the effective management of Committee deliberations and maintaining a public image of effective management of the Council's business and other matters brought before it. The Vice-Chair is expected to support the Chair in ensuring that Committee Members are taking part at all stages of deliberations.

### **15.2 Terms of Reference**

- (a) To support the Chair of the Committee and in the absence of the Chair, chair meetings and conduct the Committee's business.
- (b) In conjunction with the Chair, to give initial consideration to first draft reports produced on behalf of the Committee.
- (c) When sitting as a Member of a Licensing panel to Chair that panel hearing.

## **16 CHAIR OF AUDIT COMMITTEE**

- 16.1 The Chair of the Audit Committee is responsible for the effective management and running of the Committee's business. This involves directing the Committee's Business Agenda and the effective management of Committee deliberations and maintaining a public image of effective consideration of audit matters and other business brought before it.

The Chair of the Committee is expected to identify areas for inclusion in the Committee's work programme and ensure the Committee Members are taking part at all stages in deliberations.

### **16.2 Terms of Reference**

- (a) To Chair meetings of the Audit Committee.
- (b) In conjunction with the Vice-Chair to ensure appropriate expert and specialist advice is made available to the Committee.
- (c) To determine, in liaison with the Chief Executive, arrangements for special meetings of the Committee.
- (d) To ensure, in liaison with the Chief Executive, that Committee Members benefit from appropriate training and development to deal effectively with the Committee's business.
- (e) To maintain high standards of probity and adherence to standards of conduct and protocols.
- (f) To maintain the non-party political status of Committee proceedings and meeting management.

## **17 VICE CHAIR OF AUDIT COMMITTEE**

- 17.1 The Vice-Chair of the Audit Committee is responsible for supporting the Chair with the effective management and running of the Committee's business. In the absence of the Chair, the Vice-Chair will chair Committee meetings and conduct its business. This involves directing the Committee's Business Agenda and the effective management of Committee deliberations and maintaining a public image of effective management of the Council's business and other matters brought before it.

The Vice-Chair is expected to support the Chair in ensuring that Committee Members are taking part at all stages of deliberations.

### **17.2 Terms of Reference**

- (a) To support the Chair of the Committee and in the absence of the Chair, chair meetings and conduct the Committee's business.
- (b) In conjunction with the Chair to ensure appropriate expert and specialist advice is made available to the Committee.

## **18 ROLES AND FUNCTIONS OF ALL COUNCILLORS**

- 18.1 Councillors will participate constructively in the good government of the District in the interests of all residents. They will contribute actively to the formation and scrutiny of the Authority's policies, budget, strategies, plans and service delivery.

Councillors will deal with constituents' enquiries and representations, and will effectively represent the interests of the Ward for which they were elected and views of constituents.

Councillors may also be required to represent the Council on an outside body, such as a neighbourhood association, governing body or charitable trust.

### **18.2 Terms of Reference**

- (a) To fulfil the statutory and locally determined requirements of an elected Member of a Local Authority. This includes the Council's E-communications Policy.
- (b) To participate effectively as a Member of any panel, forum or assembly to which the Councillor is appointed.
- (c) To participate in the activities of an outside body to which the Councillor is appointed.
- (d) To participate, as appointed, in the scrutiny of the services and policies of the authority and their effectiveness in meeting the strategic objectives of the Authority and the needs of its residents.
- (e) To participate in policy panels.
- (f) To represent the Authority to the community and the community to the Authority and to other relevant bodies. To provide a voice and advice for local individuals and interest groups in their dealings with the Council and, where appropriate, to advise them on the pursuit of complaints.
- (g) To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties and constraints and to develop good working relationships with relevant Officers of the Authority.
- (h) To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well being and identity, including developing and maintaining good working relationships with the local Town or Parish Council and with local County Councillors.
- (i) To contribute constructively to open Government and democratic renewal through active encouragement to the community to participate generally in the Government of the area.
- (j) To keep up to date with all developments affecting the District and the Council including Government policies and prospective legislation.

## 19 **POLICY SEMINARS**

- (a) Policy Seminars will be arranged by Cabinet Portfolio Holders, with details set out in the civic timetable and updated on a regular basis;
- (b) The Cabinet Member will set out the business to be discussed and take the chair at the meeting;
- (c) All Members of the Council will be invited to participate;
- (d) Tenant representatives will be invited to all housing Policy Seminars and to other Seminars where housing related matters are to be discussed;
- (e) Other parties may be invited to attend at the discretion of the Cabinet Member;
- (f) Policy Seminars are designed to facilitate discussion and the exchange of ideas on policy development;
- (g) Policy Seminars are not decision-making bodies;
- (h) Policy Seminars will be serviced by Council staff so that there is a record of the issues considered;
- (i) The record of the Seminar discussions will be circulated to all Members by email and posted on the Council's intranet.

There may be occasions where two or more Cabinet Members wish to hold a Policy Seminar on a crosscutting issue.

In some circumstances, a Cabinet Member may wish to hold a Policy Seminar to assist a scrutiny inquiry.

The Housing Management Forum is a specialist Policy Seminar formed to consider all matters relating to housing tenant services. The Housing Management Forum consists of an equal number of Members and Tenants' representatives. Terms of Reference have been agreed by the Forum.

## 20 SCHEME OF DELEGATION

### Part A:

#### **To all Chief Officers and Heads of Service**

The following delegations apply to all Heads of Service, or their duly authorised officer(s).

- 20.1 In accordance with the Council's Constitution, the management and administration of the services for which they are responsible, and the incurring of expenditure for such purposes within the approved estimates and in accordance with Contracts Standing Orders and Financial Regulations. This shall include authorising the Chief Executive, Directors and Heads of Service (subject to any necessary direction from the Chief Executive) to take such action as is necessary, within approved budgets, procedures, and service plans to implement the decisions and policies of the Council, and to ensure the timely progress of Best Value Reviews within their remit.
- 20.2 To dispose of surplus or obsolete stock and equipment at the best prices obtainable in accordance with procedures agreed with the Treasurer.
- 20.3 To serve requisitions for information as to the ownership of property under the various statutory provisions where necessary.
- 20.4 To sign and serve documents and notices on behalf of the Council.
- 20.5 To authorise staff possessing such qualifications as may be required by law or in accordance with the Council's policy, to take samples, make inspections, enter premises, form opinions, and generally perform the functions of a duly authorised officer of the Council (however described) under the statutory codes relating to Public Health, Children and Young Persons, Housing, Town Planning, Rating and Council Tax, Licensing, Building Control, Shops, Health and Safety at Work, and under the provisions of any other relevant legislation, to issue any necessary Certificates of Authority. In relation to any powers delegated by the Chief Executive that require to be dealt with by a Solicitor of the Supreme Court, his power shall in turn be delegated to the Head of Legal Services.
- 20.6 To give written notice seeking deemed planning permission for proposed development to be carried out by the Council or on land owned by the Council where the Council or the Cabinet has approved in principle any proposal (whether generally or specifically) which affects or may affect the land to which the planning application relates.
- 20.7 The appointment and operational management of all categories of staff, for whom they are responsible.
- 20.8 In consultation with the Head of Finance the granting of awards to employees under the Long Service Award scheme.
- 20.9 The granting of appropriate increments in career grades and examination success schemes in consultation with the Head of Human Resources.

- 20.10 To take disciplinary action, including dismissal, in relation to staff for whom they are responsible, in accordance with the Council's Disciplinary Procedure.
- 20.11 The granting of leave of absence without pay for periods not exceeding three months and special leave with pay on compassionate grounds.
- 20.12 The authorisation of attendance or secondment of employees on courses or seminars within the approved Training Plan.
- 20.13 The authorisation of annual leave carry forward from one year to the next.
- 20.14 The determination of car allowances in accordance with the criteria adopted by the Council in consultation with the Head of Human Resources
- 20.15 The determination of ex-gratia payments in respect of damage to, or loss of, employees' personal property up to £200 and, in consultation with the appropriate Cabinet Member, for all other amounts.
- 20.16 To write off bad debts and incorrect charges to a limit of £10,000 in any one case, following consultation with the Head of Finance.
- 20.17 To transfer expenditure between budget areas, providing this is within their approved budget, following consultation with the Head of Finance before actioning this.
- 20.18 To amend the numbers, duties and grades of posts within their responsibility and to change vacant or new posts, within Council policies, priorities and budgets. Such changes are to be the subject of prior approval of the Head of Human Resources, and where such approval is not forthcoming the matter shall be referred to the Chief Executive. This does not cover the regrading of existing post holders which shall be referred to the Head of Human Resources.
- 20.19 To determine applications for extensions of sick pay subject to the agreement of the Head of Human Resources.
- 20.20 The waiving of Contracts Standing Orders relating to the invitation of tenders where the Head of Service, in consultation with the appropriate Cabinet Member and Head of Legal Services considers that they fall into the following categories:-
- (a) the purchase of goods or materials which are supplied only by one person or are sold only at a fixed price and no reasonably satisfactory alternative is available;
  - (b) the execution of work of a specialised nature carried out only by one contractor and for which there is no reasonably acceptable substitute;
  - (c) a contract of a similar nature to that already being undertaken by a contractor for the Council under an existing contract where a tender may be negotiated with the contractor already engaged by the Council;

or

(d) a contract which constitutes an extension of an existing contract.

20.21 To accept a quotation or tender, which is other than the best value price, subject to a written report presented to and agreed by the Head of Finance and in consultation with the relevant Cabinet Member.

20.22 To determine and increase fees and charges above the increases approved by the Council in the annual budget.

20.23 The approval of applications for early retirement from employees and all applications involving voluntary redundancy, and payment in lieu of notice, if appropriate, in accordance with the Council's agreed scheme, subject to having obtained approval of the Head of Human Resources and Head of Finance.

20.24 The authorisation by such officers as may from time to time be determined by the Strategic Team of surveillance for the purposes of the Regulation of Investigatory Powers Act 2000.

## **PART B:**

### **21. DELEGATION TO SPECIFIC OFFICERS**

Subject to the overall direction by the appropriate Strategic Team Member, the following delegations apply :-

#### **21.1 Chief Executive**

Administration of the Civic Fund.

To rearrange dates and times of meetings, previously approved by the Annual Meeting of the Council, following consultation with the Leader of the Council and the relevant Chair. Such action being necessary in the interest of the efficient running of the Council.

All matters relating to staffing, employment, terms and conditions and industrial relations for the Council's workforce, save those matters referred to in the Staff Employment Procedure Rules relating to officers.

In conjunction with the Head of Human Resources and the appropriate Strategic Team Member to operate a system of appeals for all staffing matters

Together with two Members of the Strategic Team, to act as an Investigating Committee in respect of disciplinary matters relating to Heads of Service.

Together with the Leader and the Deputy Leader, to act as an Investigating Committee in respect of disciplinary matters relating to Strategic Team Members.

To issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989 – Politically Restrictive Posts.

Acting as Returning Officer, the authority to approve any time, the revision of scales of fees for elections and registration of electors where there is no deviation from the basis of nationally agreed scales.

#### **21.2 Head of Finance**

1. Authority to extend periods of mortgage repayments and convert to a maturity basis in individual cases where financial circumstances and mortgage provisions permit.
2. Approval of small dealings with property in mortgage to the Council.
3. Authority to approve proceedings for the recovery of mortgage debts.
4. Authority to issue Loan Instruments up to a maximum of £5,000,000 per issue with a life of not less than one year and not more than twenty years under the provisions of Section 43 of the Local Government and Housing Act 1989 and the Local Authorities (Borrowing) Regulations 1990
5. Authority to determine price, rate of interest and period until redemption of Loan Instruments.

6. Authority to externalise internal investments as necessary and appoint agents to manage the investments in a portfolio which complies with the Local Government and Housing Act 1989 and the Approved Investment Regulations, as set out in the Council's Treasury Policy Statement.
7. Authority to use balances to finance General Fund expenditure in the future, as set out in the latest approved Medium Term Financial Plan.
8. Authority to set the interest rate applicable for 6 monthly periods on Housing Act advances in line with Government directions.
9. Authority to give effect to and implement any awards affecting pay and service conditions approved by the National Joint Councils including proportionate adjustments or any lump sum payments based on such agreements.
10. Authority to implement and administer the Council's leased car scheme.

### 21.3 **Head of Planning**

#### **Planning and Related Applications**

Power to determine all planning and related applications as detailed in Appendix A to the Scheme of Planning Delegation, in accordance with the operational arrangements specified in Appendix B thereof.

Authority to accept and approve minor amendments to applications, which have been granted consent, without the need for further formal applications.

In consultation with the Head of Legal Services:-

- (a) to determine the content of Section 106 Agreements and to execute such Agreements in the name of the Council.
- (b) to issue enforcement notices where enforcement action has been authorised in accordance with appendix C of the Scheme of Delegation.
- (c) to determine applications for Lawful Development Certificates.

#### **Article 4 Directions**

In consultation with the Head of Legal Services and the Development Portfolio Holder, to make Directions under Article 4 of the Town & Country Planning (General Permitted Development) Order 1995 removing or restricting permitted development rights from land and property.

#### **Current or Proposed Listed Buildings**

The issue and/or service of Building Preservation Notices.

The issue and/or service of Listed Building Enforcement Notices.

Power to undertake works to secure compliance with any listed building enforcement or allied notice.

To authorise the execution of any urgent work considered necessary to preserve an unoccupied listed building.

Applications for injunctions to restrain breaches of Building Preservation Notices or Listed Building legislation.

Power to prosecute for any breach of Listed Building Control.

### **Enforcement of Planning Control (Part VII Town & Country Planning Act 1990)**

Unless consideration is reserved to Development Control Committee under Appendix B of the Scheme of Planning Delegation, the following delegations will apply:-

1. In consultation with the Head of Legal Services:-

The issue and/or service of Enforcement Notices and Breach of Condition Notices.

Subject to the prior approval of the Development Portfolio holder, the issue and/or service of Stop Notices (including temporary Stop Notices).

Power to undertake works to secure compliance with any Enforcement or allied Notice.

Applications for injunctions to restrain breaches of planning control.

Power to prosecute for any breach of planning control.

2. Power to require information about activities on land.

### **Trees (Part VIII Town & Country Planning Act 1990)**

1. In consultation with the Head of Legal Services:-

The making of Provisional (Emergency) Tree Presentation Orders

The revocation or variation of Tree Preservation Orders

The confirmation of any Tree Preservation or related Order unless there is any sustained objection

To serve notices requiring the replacement of trees

To apply for injunctions to restrain actual or threatened damage to any protected tree

Power to prosecute for any offence relating to trees

2. To respond to notifications to fell or lop trees which are in Conservation Areas.

3. To determine applications to fell or lop trees the subject of a confirmed Tree Preservation Order.

4. To take action in relation to dangerous trees under the Local Government (Miscellaneous Provisions) Act 1976.

### **Advertisements (Part VIII Town & Country Planning Act 1990)**

To require the removal of the unauthorised display of advertisements

To authorise the removal or obliteration of unauthorised placards or posters

Power to prosecute for any offence relating to the display of advertisements

## **Building Control**

To pass or reject plans submitted to the Council under Building Regulations.

To determine applications made to the Council for dispensations from or relaxations of Building Regulations.

To issue or serve any appropriate notices under the Building Act 1984, including Notices in respect of dangerous structures.

In consultation with the Head of Legal Services, to prosecute or take other appropriate legal proceedings to secure compliance with the Building Act 1984 and under the Building Regulations.

To set charges for all Building Regulation purposes together with power to vary such charges where it is considered to be in the Council's interests to do so.

To participate in the Partner Authority Scheme whereby local Building Control bodies aid each other in providing a co-ordinated delivery mechanism to applicants.

To issue completion certificates for works carried out under a Building Notice as specified in Report PLP/137/6/92.

To issue completion certificates for work for which a Full Plans submission has been received and a completion certificate requested in respect of premises designated under the Fire Precautions Act 1971, as specified in Report PLPS/137/6/92.

## **Housing Enabling**

To advise the Housing Corporation of Social Housing Projects which meet priorities identified in strategies of both the Council and the Housing Corporation

To commit payment of Social Housing Grants from within the approved Capital Programmes for new projects being developed by registered Social Landlords

To undertake such ancillary duties, within the terms of the approved capital programme, as will facilitate the provision of social housing in the District

## **Miscellaneous**

To act as "appropriate officer" for the purposes of the Party Walls etc Act 1996.

To lodge formal objections, if warranted, to goods vehicles operator licences on environmental grounds.

To protect important hedgerows.

Under the Town Improvement Clauses Act 1847 and/or Public Health Act 1925 to name and number new streets and to rename streets.

Power to require proper maintenance of land and to take appropriate action in the event of non-compliance with any notice.

To authorise officers to enter land or premises for enforcement and other purposes in exercise of the Council's functions as Local Planning Authority.

To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

To set fees for all local land charges matters, except where such fees are statutorily prescribed.

#### 21.4 **Head of Environmental Health**

1. Except for the matters referred to in paragraph 3 below and subject to paragraph 6 below the Head of Environmental Health is authorised to take all actions and make all decisions relating to the Council's regulatory and permissive functions under relevant legislation and associated regulations in respect of the following matters:-

Animals and animal establishments  
Caravan sites  
Cinemas  
Contaminated Land  
Control of Pollution  
Environmental Protection  
Face to face fundraising activities  
Flood prevention  
Food safety and hygiene  
Gambling (except where under Council policy or statute a matter must be determined by the Council or by the Licensing and Regulation Committee).  
Game and Game dealers  
Hackney carriages and drivers (except where under Council policy or statute a matter must be determined by the Council or by the Licensing and Regulation Committee).  
Health and Safety  
House to House collections  
Infectious diseases  
Land Drainage and foul drainage  
Licensing (except where under Council policy or statute a matter must be determined by the Council or by the Licensing and Regulation Committee).  
Lotteries  
Motor salvage operators  
Noise and other statutory nuisances  
Port Health  
Pest control  
Private Hire vehicles (drivers and operators) (except where under Council policy or statute a matter must be determined by the Council or by the Licensing and Regulation Committee).  
Private Sector Housing  
Private Water supplies  
Public Health  
Public Safety  
Public space and clean neighbours enforcement  
Regulation of charitable collections  
Scrap metal dealers  
Control of smoking in enclosed spaces  
Street collections  
Street trading  
Sunday trading  
Environmental crimes, anti-social behaviour and serving of fixed penalties

2. The appointment of authorised officers and inspectors and the grant to them of authority to serve notices relating to the Council's regulatory and permissive functions under relevant legislation and associated regulations.
3. To authorise the Principal Licensing Officer/Licensing Officer to determine all applications made under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations except where objections or representations have been received.
4. To authorise the Principal Licensing Officer/Licensing Officer to determine all applications relating to taxis and private hire vehicles and drivers and to suspend licences.
5. To authorise the Principal Licensing Officer/Licensing Officer to determine all minor variation applications including occasions where any relevant representation is received.
6. To institute Court proceedings in connection with the discharge of the functions delegated above in consultation with the Head of Legal Services.

## 21.5 **Head of Housing Services**

### **Council House Tenancies**

1. To determine:-
  - All matters relating to transfer applications (including cases where there are rent arrears and special circumstances)
  - Applications for mutual exchanges
  - All matters regarding garage tenancies
  - Applications from tenants wishing to use their dwellings for business purposes
2. To make offers of accommodation and to commence tenancies of Council dwellings:

### **Rent Arrears/breach of tenancy conditions**

1. To take any appropriate action in respect of the recovery of rent arrears and/or breach of tenancy conditions including the service of Notices of Intention to seek Possession and Notices to Quit and in consultation with the Head of Legal Services to seek injunctions.
2. To determine proposals for the settlement, deferment or variation of arrangements in connection with outstanding rent arrears.
3. To take appropriate action in consultation with the Head of Legal Services to preserve the individual and collective rights of tenants to quiet enjoyment of their properties.
4. In conjunction with the Head of Legal Services to take appropriate action against trespassers in council houses, shops or garages.

### **Grants to Tenants Groups**

To allocate grants for specific projects within agree overall budgets.

### **Commercial Activities in Sheltered Housing Schemes**

To determine any proposal to carry out commercial activities in the communal areas of sheltered housing schemes subject to satisfactory references and after consultation with the appropriate Scheme Manager.

### **Former Council Houses**

To determine applications from the owners of former Council dwellings for any consent required under covenants contained in any conveyance or transfer.

#### **20.6 Head of Human Resources**

1. Human resource matters shall be subject to the overall direction of the Chief Executive.
2. The administration and implementation, in consultation with Heads of Service of the Council's organisational employee development and human resource plans.
3. The interpretation and application of pay scales and conditions of service for all employees.
4. Applications, in consultation with the appropriate Head of Service for extensions of service.
5. Considering changes in grading and other conditions for existing postholder.
6. The administration of any schemes for awards to employees making suggestions which could affect economies and improve efficiency etc.

#### **21.7 Head of Legal Services**

- To act as the Council's Data Controller and as the officer responsible for the review of unsuccessful requests made under the Freedom of Information Act.
- To act as Co-ordinator for the purposes of the Regulation of Investigatory Powers Act 2000.
- To undertake all statutory functions as Monitoring Officer.
- Authority to prosecute in the Magistrates Court or to initiate proceedings in the County Court.
- After consultation with the Chief Executive and Head of Finance, to initiate any action in the High Court.
- Authority to defend all actions brought against the Council in any court or tribunal.
- To instruct Counsel where the Head of Legal Services considers this to be necessary.
- To authorise the appearance of non-admitted legal staff within the section in the Magistrates Court under section 223 of the Local Government Act 1972.
- To settle disputes and litigious actions subject (if time constraints permit) to prior consultation with the Chief Executive and Head of Finance where such actions are in the High Court.
- To determine applications for the temporary exclusion of traffic from streets under Section 21 of the Town Police Clauses Act 1847.
- In consultation with the Head of Planning:-

- (a) To issue Breach of Condition Notices.
- (b) following authorisation, to make provisional Tree Preservation Orders and to take other urgent action to preserve trees.
- (c) following authorisation, to issue/serve Stop Notices (including Temporary Stop Notices) subject to the prior approval of the Planning and Climate Portfolio Holder.

#### 21.8 **Head of Asset Management**

1. In consultation with the Portfolio Holder for Finance and the appropriate Ward Member(s), to authorise the purchase and disposal of land up to an open market value of £100,000.
2. The acquisition or grant or renewal of wayleaves, licences, easements and leases subject to the maximum consideration specified below:-
  - Wayleaves and licences - £20,000 per annum
  - Easements - £20,000 per annum
  - Leases - £40,000 per annum
3. To approve the assignment of leases.
4. The general management and control of all Council property.
5. To act in the Council's best interest in relation to any proposed alteration to the valuation list subject to the prior approval of the Strategic Head (Customer Services).

#### **Council House Sales**

- To agree the sale of houses and flats under the Right to Buy, subject to any specific Council policies relating to such disposals
- To determine requests to withdraw from committed purchases of Council properties in consultation with the Head of Legal Services
- To agree that the Council's right to reclaim discount on a RTB sale should take priority over a legal charge in favour of a third party

#### **Former Council House in the Cotswolds AONB**

- To consent to the resale of a former Council dwelling in the AONB subject to any applicable statutory requirement being met
- To refuse consent to a disposal if the proposed purchase has lived or worked in Gloucestershire for less than 2 years and to decide applications to purchase a former Council property where the residential and employment qualification is between 2 and 3 years

#### 21.9 **Strategic Head (Community Services)**

1. Authority for agreeing, maintaining and renewing all 3-year funding agreements with voluntary organisations, in consultation with the relevant Cabinet Members.
2. Authority to resolve the operation and award of all grants to the Community and Voluntary sectors in consultation with the Cabinet.

3. Authority to take all actions and make all decisions relating to the Council's regulatory and permissive functions under relevant legislation and associated regulations in respect of the following matters:-

Environmental crimes, anti-social behaviour, serving of fixed penalties and waste fly tipping.

#### 21.10 **Head of Community Safety**

1. To set charges for the removal/disposal of abandoned/scrap vehicles
2. To deal with all matters under legislation relating to high hedges
3. To authorise officers to undertake enforcement action under Anti-Social behaviour legislation in consultation, where Court proceedings are contemplated, with the Head of Legal Services
4. The operation of all civil parking enforcement in the District
5. Authority to take all actions and make all decisions relating to the Council's regulatory and permissive functions under relevant legislation and associated regulations in respect of the following matters:-

Environmental crimes, anti-social behaviour and serving of fixed penalties

#### 21.11 **Head of Revenues and Benefits**

1. To determine applications for the grant of relief from Non-Domestic Rates on grounds of hardship
2. The writing off of Council Tax, Non-Domestic Rates and bad debts
3. To act in the Council's best interests in relation to any proposed alteration to the Valuation List
4. To make proposals for and to determine and make amendments to the relevant authorities in respect of the Collection Fund
5. To make decisions on the allocation or transfer of Council House tenancies
6. To make decisions in respect of the provision of accommodation for homeless persons, subject to the review of any refusal decision by the Housing Appeals Panel
7. To agree temporary tenancies for either staff or persons displaced by renovation grant works
8. To make nominations of prospective tenants to registered social landlords or other bodies
9. To authorise, under Section 223 of the Local Government Act 1972, the appearance in the Magistrates Court of staff concerned with the recovery of Council Tax and Non-Domestic Rates
10. To institute Court proceedings in respect of alleged benefit fraud

## 21.12 **Information Security Manager**

The Information Security Manager is responsible for providing help and guidance on information security, recommending policy, conducting an annual review and investigating suspected breaches.

## **SCHEME OF DELEGATION**

**The delegation of all planning applications and other associated decisions and actions authorised under the terms of the Planning and Listed Building Acts are considered to fall within the scheme of delegation and will be determined by the Head of Planning (or an appointed representative) unless any of the following provisions apply: -:**

1. The application is for full or outline planning permission for “major” development as defined in the Town and County Planning General Development Procedure Order 1995\*, or its successor. (except applications for development of a similar character to applications already determined).
2. Where an Environmental Impact Assessment is required.
3. The Chair or Vice-Chair of the Development Control Committee or the Head of Planning considers that the application should be considered by the Development Control Committee.
4. The application has been withdrawn from the scheme of delegation because one or more of the provisions numbered 1-5 below apply.

## **OPERATIONAL ARRANGEMENTS**

### **Use of the Weekly List**

The weekly list will clearly show which applications fall within the scheme of delegation (marked “delegated”) and which will be reported to Committee (marked Committee).

The following week, a list of applications falling within the scheme of delegation will be circulated to Members, indicating the initial officer view of how that application is likely to be determined. This will indicate “support”, “oppose” or “support subject to amendment”. This latter category will be used for applications that are unacceptable as submitted, but could be made acceptable by amendment.

### **Evaluation Period**

No application will be determined under delegated powers until the expiry of a minimum of 3 weeks after the date of registration.

### **The withdrawal of an application from the scheme of delegation**

Applications which fall within the scheme of delegation will be withdrawn from the scheme and referred to the Development Control Committee for determination if: -

1. Where five or more planning objections are received which the Head of Planning considers are relevant to the application, which would otherwise be approved (not to include objections which are overcome by amended plans or by the imposition of conditions).
2. An objection that is correctly referenced to relevant planning policy or guidance is received from the Town or Parish Council in relation to an application that would otherwise be approved. (not to include objections which

are overcome by amended plans or by the imposition of conditions) or express support that is correctly referenced to relevant planning policy or guidance, to an application, which would otherwise be refused. Where a delegated decision is made that is contrary to the views of the Town or parish Council the officers report will contain a written explanation.

3. In the event that a recommendation following consultations is different to the initial officer view (i.e. to refuse an application which was originally identified to be supported) then the Chair or Vice-Chair of DC Committee in consultation with the Ward Member may decide whether the application should proceed to DC committee. In the case of “support subject to amendment” applications, such determination may be either by permission with suitably amended plans where necessary or a refusal because no suitable amendments are made (the case officer can provide details of the likely changes that might be required).
4. The Chair, Vice-Chair of Development Control Committee or the relevant Ward Councillor(s) so requests – such a request must be in writing (or email) and include a summary of the planning reasons together with a summary of the policies and proposals contained within the local Plan which are relevant to the consideration. This summary would then form part of the report to Development Control Committee. An indication of whether the referral to Committee would only be if the application were recommended for permission, or for refusal must also be included. A request by a Ward Councillor must be made within three weeks of the date the application was registered. The Ward Member or a member representative should be present at the relevant DCC meeting to present his/her views. (Other Members or a Town or Parish Council can ask the Chair or Vice Chair to bring an application to the Development Control Committee.
5. The application to be permitted would represent a significant departure from the policies of the statutory Development Plan. In this context significant is defined as a decision that would represent more than a technical breach and which conflicted substantially with the underlying principle of the policies.

Note: - The above operational arrangements excludes any application which is required to be determined within a set period of time e.g. Agricultural or Telecommunication Prior notifications or where the determination is a matter of fact and law, Certificates of Lawful Development or proposals where the District Council are consultees, such as those by the County Council for works to schools where they carry out the appropriate consultations.

For the avoidance of doubt, in the event of any potential conflict between the rights of Members under this Scheme and the Mandatory Code of Member Conduct, the requirements of the Mandatory Code are to prevail.

### **Refusal of Applications superseded by events or where Information requested has not been received.**

Applications falling within this category may be refused under delegated powers even if they were not originally identified as delegated, and irrespective of the amount of objections or support received.

Decision notices relating to applications which have been considered by the Development Control Committee and resolved to grant permission subject to a legal agreement, shall be issued subject to the completion of the agreement in accordance with the terms outlined to members.

If the applicants or their appointed agents have not made reasonable attempts to complete the agreement within one month of the resolution by Development Control Committee, the application, subject to the discretion of the Head of Planning may be refused on the basis that the applicant has failed to satisfy the terms of the relevant development plan policy.

## Appendix C

### **DELEGATION OF DECISIONS ON ENFORCEMENT NOTICES OPERATIONAL ARRANGEMENTS**

#### Use of the Weekly List

A list will be added to the back of the weekly list, setting out breaches of planning control that have been investigated. For each case the list will set out the action which officers intend to pursue, i.e. "expedient" or "not expedient" to take enforcement action.

#### Evaluation Period

No further action will be taken on any of the cases listed until the date specified at the bottom of the list, which will be 2 weeks after the publication of the list.

#### The withdrawal of an enforcement decision

Enforcement decisions will be withdrawn from the scheme of delegation and be referred to the **Development Control** Committee if a Ward Member or a Member of the **Development Control** Committee so requests.

#### Exception

Where the Strategic Head (Development Services) believes that it is expedient to take action against a breach of planning control, where that action could result in the demolition of a building of over 100 sq. metres floor space, or an extension to a dwelling house of over 100 sq. metres floor space, that case will be reported to the **Development Control** Committee in the normal way.

#### Further Action

Where the delegated decision is to take enforcement action, officers will take any necessary action to secure a cessation of the breach.

## 22 DESIGNATION OF PROPER OFFICERS

### Chief Executive as the Council's Proper Officer

Local Government and Housing Act 1989

Section 4

Local Government Act 1972

Schedule 12

Section 13(3)

Section 100D

Section 210(6) & (7)

Section 225(1)

Section 229 (5)

Section 234

Officer designated as Head of the Council's paid service.

Officer who shall sign summonses to Council meetings and receive notices of addresses to which summonses are to be sent.

Officer who, in appropriate circumstances, shall, with the Chair of the Parish Meeting, constitute the "Parish Trustees".

Officer responsible for the identification and listing of background papers for reports in his name, in the Board's name or for joint reports where his name is the first one shown amongst joint authors.

Officer in whom shall vest any power with respect to a Charity and who shall be included as a Trustee of any charity within the meaning of the Section.

Officer responsible for receiving any document on behalf of the Council and for carrying out the duties relating thereto as required by the Section.

Officer who shall certify a photographic copy, as being such a copy of an original document in respect of matters which are within his area of responsibility.

Officer authorised to authenticate documents, which require such authentication and which relate to his area of responsibility.

## Chief Executive as the Council's Proper Officer (continued)

Other

To be the Proper Officer of the Council in relation to any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972, to the Clerk of a local authority (other than references to the Clerk as the Solicitor or Legal Officer of a local authority) which by virtue of the said Act is to be interpreted as a reference to the Proper Officer of the Council except in those cases where another officer has been appointed the Proper Officer.

To be the Proper Officer of the Council in relation to any reference in any enactment passed subsequent to the 1971/72 Session of Parliament which is to be interpreted as a reference to a Proper Officer of a local authority where the Council has not appointed another officer to be its Proper Officer and also excepting any such reference which is within the direct remit of one of the Council's Directors or which implies that the Council's Solicitor shall be the designated officer in which latter case the Head of Legal Services shall be so designated.

Local Government Act 1972

Section 83

Officer to whom declarations of acceptance of office shall be delivered.

Section 84

Officer to whom written notice of resignation may be delivered.

Section 88

Officer who may convene a meeting for the election of Chair of Council following a casual vacancy in that office.

Section 89

Officer to whom notice of a casual vacancy may be given.

Section 96

Officer to receive and record general declarations of interest.

## Chief Executive as the Council's Proper Officer (continued)

Section 100(B)	Officer to decide which exempt items shall be excluded from those made available to the public before a meeting.
Section 100(C)	2. Officer to make a written summary of proceedings where exclusion is necessary of parts of minutes which would reveal exempt information.
Section 100(F)	Officer to decide that documents relating to the business of the Council, which contain exempt information under paragraphs 1-6, 9, 11, 12 and 14 of Part 1 of Schedule 12A, are not required to be open for inspection by all members of Council.
Section 234	Officer authorised to authenticate documents, which require such authentication and which relate to his area of responsibility.
Local Government (Miscellaneous Provisions) Act 1976	
Section 41	Officer who shall certify copies of resolutions and minutes of proceedings of the Authority or of a precursor Authority.
Local Government and Housing Act 1989	
Sections 15 - 17 and associated Regulations	Officer responsible for the purposes of legislation relating to political groups and balance on Committees etc.
Section 18 and associated Regulations	Officer responsible for the purposes of the Council's Members' Allowance Scheme.
Section 19 and associated Regulations	Officer to whom general notices of interests shall be given and who shall maintain records which are open to public inspection.

### **Chief Executive as the Council's Proper Officer (continued)**

Representation of the People Act 1983  
Section 8

Officer appointed as the Registration Officer for any constituency or part of a constituency within Stroud District.

Section 35

Officer appointed to be the Returning Officer for elections of Councillors of the Stroud District and for elections of Councillors of parishes within the District.

In the absence of the Chief Executive either of the Strategic Directors will be the Council's Proper Officer for any of the above purposes.

### **Head of Finance as the Council's Proper Officer**

Local Government Act 1972  
Section 100D

Officer responsible for the identification and listing of background papers for reports in his name or for joint reports where his is the first name amongst joint authors.

Section 115(2)

Officer to whom all money due from every officer employed by the Council shall be paid.

Section 146(1)(a)

Officer authorised to make statutory declarations and issue certificates relating to the transfer of securities on the alteration of areas etc.

Section 151 (as enhanced by Section 114 of the Local Government Finance Act 1988)

Officer responsible for the administration of the Council's financial affairs. Section 114 of the 1988 Act places a specific duty on this officer to make a public report in specified cases of actual or anticipated financial misconduct.

Section 204(3)

Officer to whom notice of an application for a Justices Licence under Schedule 2 of the Licensing Act 1964 shall be given.

Section 228(3)

Officer responsible for making "Proper Officer" accounts open to inspection by members of the authority.

### **Head of Finance as the Council's Proper Officer (continued)**

Section 229(5)	Officer who shall certify a photographic copy as being such a copy of an original document in respect of matters which are within his area of responsibility other than matters for which the Head of Legal Services are responsible by virtue of any Proper Officer designation under this Scheme.
Section 234	Officer authorised to authenticate documents, which require such authentication and which relate to his area of responsibility other than documents which are the responsibility of the Head of Legal Services by virtue of any Proper Officer designation under this scheme.
Section 191(2)	Officer to whom applications under Section 1 of the Ordnance Survey Act 1841 shall be sent.
Other	<p>To be the Proper Officer of the Council where any enactment requires such a designation in respect of matters lying within the direct remit of the Head of Legal Services and no specific designation has been made by the Council.</p> <p>Officer authorised to serve any notice in respect of matters within his area of responsibility where such service is to be undertaken by an officer designated by the Authority.</p>

### **Head of Legal Services as the Council's Proper Officer**

Local Government Act 1972 Section 223 (1)	Officer authorised to prosecute or defend or to appear on the Council's behalf.
Section 229 (5)	Officer who shall certify a photographic copy as being such a copy of an original document in respect of matters within his area of responsibility.
Section 234	Officer authorised to authenticate documents which require such authentication and which arise from and relate to matters within his area of responsibility.

### **Head of Legal Services as the Council's Proper Officer (continued)**

Section 236 (9) and (10)	Officer responsible for sending a copy of every by-law made by the Council to Parish Councils, Town Councils and Parish Meetings within the District and to the County Council.
Section 238	Officer who shall certify a copy of a by-law made by the Council for evidence purposes.
Local Government and Housing Act 1989 Section 5	Officer designated as the Council's Monitoring Officer.
Other	
Data Protection Act 1998	Officer designated as the Council's Data Protection Officer.
Freedom of Information Act 2000	Officer responsible for Access to Information.

In the absence of the Head of Legal Services the Council's Legal Services Manager is designated to act as Proper Officer in respect of any of the above matters. This includes the role of "Monitoring Officer" where it is the Head of Legal Services, rather than the Council itself, who nominates the officer who shall act personally in that capacity in the event of his/her own absence or illness.

### **Strategic Head (Development Services) as the Council's Proper Officer**

Local Government Act 1972 Section 100D	Officer responsible for the identification and listing of background papers for reports in his name or joint reports where his/her is the first name shown amongst joint authors.
Section 229(5)	Officer who shall certify a photographic copy as being such a copy of an original document in respect of matters which are within his area of responsibility.



## **Deputy Chief Executive as the Council's Proper Officer**

Local Government Act 1972 Section 100D	Officer responsible for the identification and listing of background papers for reports in his name or joint reports where his is the first name shown amongst joint authors.
Section 229(5)	Officer who shall certify a photographic copy as being such a copy of an original document in respect of matters which are within his area of responsibility.
Section 234	Officer authorised to authenticate documents which require such authentication and which arise from and relate to matters within his area of responsibility.
Rent Act 1977	Officer authorised to sign certificates on behalf of the Council, as the Local Housing Authority.
Stroud Port Health Authority Order 1979	Officer designated as Proper Officer for the purposes of this Order and any related legislation.
Public Health (Control of Disease) Act 1984 Section 11	Officer to whom cases of notifiable disease and food poisoning shall be reported.
Section 18	Officer who may apply to the occupier of any premises for information in connection with notifiable disease or food poisoning.
Section 20	Officer who may, by notice, request persons to discontinue work with a view to preventing the spread of a notifiable disease or other disease specified in Section 20.
Sections 24, 29 and 31	Officer to exercise control over the disinfection of articles which have been exposed to infection from a notifiable disease and accommodation in which a person has been suffering from a notifiable disease.

## Deputy Chief Executive was the Council's Proper Officer (Continued)

Section 42	Officer who may certify that a common lodging-house, closed on account of notifiable disease, is free from infection.
Regulation of Investigatory Powers Act 2000	Officer entitled to grant authorisations for the carrying out of intrusive surveillance under Sections 28 and 29 of regulation of Investigatory Powers Act 2000.
Other	<p>Officer authorised to serve any notice in respect of matters which are within his area of responsibility where such service is to be undertaken by an officer designated by the Authority.</p> <p>To be the designated officer of the Council in respect of any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972, to the Sanitary Inspector or Public Health Inspector or Chief Sanitary Inspector or Chief Public Health Inspector of a Local Authority which is to be interpreted as a reference to the Proper Officer of the Council.</p> <p>To be the Proper Officer of the Council where any enactment requires such a designation in respect of matters lying within the direct remit of the Directorate of Housing and Environmental Services and no other specific designation has been made by the Council.</p>

In the absence of the Strategic Director the relevant Manager responsible for dealing with the matter in question shall be the Proper Officer of the Council.

**3. The Consultant in Communicable Disease Control as the Council's Proper Officer**

Stroud Port Health Authority Order 1979

To be the appointed Registered Medical Practitioner for the purposes of this Order and any related legislation.

Public Health (Control of Disease) Act 1984

To be the Proper Officer of the Authority for all purposes under this Act other than those for which the Strategic Director (Customer Services) is specifically so designated; see Section (f) above.

In the absence of the Consultant in Communicable Disease Control any appointed Deputy shall be the Council's Proper Officer for any of the above purposes.