

PART 3

RESPONSIBILITY FOR FUNCTIONS

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Part 3(a) – Council Functions

3.1.1 Those items included as part of the Council's Policy Framework are functions relating to plans and strategies required statutorily to be adopted by the Council. The Council's Policy Framework consists of:

- The Corporate Plan
- The Medium Term Financial Strategy
- The Local Development Plan and Development Policy Documents
- The Sustainable Communities Strategy
- The Pay Policy Statement
- The Gambling Statement of Licensing Principles

3.1.2 The following functions are also reserved for the Council:

- a) Adopting and changing the Constitution
- b) Approving or adopting the Council's Policy Framework
- c) Approving the Council's budget
- d) Setting the Authority's Council Tax
- e) Approving any application to the Secretary of State in respect of any Housing Land Transfer
- f) Making decisions about any matter in the discharge of an Executive function which is covered by the Council's Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget
- g) Appointing the Leader of the Council
- h) Approving the terms of reference for Committees and other bodies, deciding upon their composition and making appointments to them, including the appointments of Chairmen and Vice-Chairmen
- i) Appointing representatives to outside bodies, unless the appointment is a Cabinet function or has been delegated by the Council)
- j) Adopting a Members' Allowances Scheme
- k) Changing the name of the area

- l) Conferring the title of Honorary Alderman
- m) Confirming the appointment of the Head of Paid Service, Section 151 Officer and Monitoring Officer
- n) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills
- o) The appointment of any individual to:
 - Any office other than an office in which they are employed by the Authority
 - Any body other than the authority or a joint committee of two or more authorities
 - Any Committee or Sub-Committee, or such a body, and the revocation of any such appointment
- p) And all other matters which, by law, must be reserved to Council

3.1.3 The following functions are the responsibility of the Council and decision-making power has been delegated to specific committees as set out in the table below. The Council may choose to exercise any of these functions itself, either generally or in relation to a specific case:

| Committee | Functions | Delegation of Functions |
|---|--|--------------------------------|
| Alcohol, Entertainment and Late Night Refreshment Licensing Committee | To exercise functions of the licensing authority under the Licensing Act 2003 in relation to alcohol, entertainment and late night refreshment licensing | Licensing Sub-Committee |
| Companies Committee | Approval of Strategic Business Plans relating to any new or joint venture | |
| Companies Committee | Appointment of company directors, subject to the Articles of Association of the company concerned | |
| Employment Committee | Appointment of Chief Officers, Directors and equivalent posts falling within the same level as Assistant Director | |

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| Employment Committee | Suspension of a Statutory Officer or other Chief Officer under the terms of the Joint Negotiating Committee Conditions of Service for Chief Executives or Chief Officers | |
| Employment Committee | To hold a capability or disciplinary hearing to determine a course of action (up to and including dismissal) within the Council's power under law and within its procedures | |
| Employment Committee | Dismissal of Chief Officers, the Monitoring Officer, Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government and Housing Act 1989 | |
| Employment Committee | To take decisions affecting the remuneration and terms and conditions of service of the Head of Paid Service | |
| Governance and Audit Committee | Appointment of the Council's internal auditors | |
| Governance and Audit Committee | Approval of the Internal Audit Strategy and Internal Audit Plan | |
| Governance and Audit Committee | Approval of the Risk Management Strategy, Risk Management Framework and the Annual Report on risk management activity | |
| Governance and Audit Committee | To approve the Annual Governance Statement, Code of Corporate Governance and Action Plan | |
| Governance and Audit Committee | To produce a Chairman's Annual Report on the activities of the Committee and present to Council | |
| Governance and Audit Committee | To approve the Counter Fraud, Bribery and Corruption Framework, including Whistle-blowing Policy and Ant-Money Laundering Policy | |
| Governance and Audit Committee | To approve the Annual Statement of Accounts | |

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| Governance and Audit Committee | To approve the Annual Revenue and Capital Outturn Report, including the movement of reserves | |
| Governance and Audit Committee | To approve the Statement of Accounting Policies to be used in the financial statements | |
| Licensing Committee | Granting or refusal of applications relating to taxi, gaming, entertainment, food and miscellaneous licensing | Licensing Sub-Committee |
| Planning Committee | To carry out the Council's functions relating to town and country planning and development control legislation as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 | |
| Planning Committee | To carry out the Council's functions relating to High Hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003 | |
| Review Board | To consider appeals against decisions made by the Council, the Cabinet or an Officer in relation to housing benefit, council tax reduction and various matters including tenancy allocations provided for in the Housing Act 1996 | Appeal Panel |
| Review Board | To receive reports on investigations carried out into alleged failure to comply with the Members' Code of Conduct and determine the outcome of investigations | Appeal Panel |

3.1.4 The full Terms of Reference for specific Committees are set out in Part 2 – Articles.

Part 3(b) – Executive Functions

- 3.2.1 All functions other than those listed in Part 3(a) (Council Functions) will be the responsibility of the Cabinet including those set out in the table below as part of the Council's Executive Functions.
- 3.2.2 Decisions will be taken in accordance with the Executive Procedure Rules.
- 3.2.3 The Cabinet may at its discretion delegate decision-making powers for these functions, but Cabinet remains accountable to the Council for decisions taken. The Council cannot choose to exercise such functions itself.
- 3.2.4 No Executive Functions have been delegated to Committees of the Cabinet.
- 3.2.5 A number of Executive Functions have been delegated to individual Cabinet Members under Section 15 of the Local Government Act 2000.
- 3.2.6 A number of Executive Functions have been delegated to Officers of the Council. These further delegations are set out in the Officer Delegation Rules in Part 3(c) of this Constitution.

| Ref | Functions | Delegation of functions within Cabinet | Delegation of functions outside Cabinet |
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| 1 | The formulation, review and monitoring of the policy and budget framework, including consultation with the relevant Overview and Scrutiny Committees, members of the public and interested parties and the submission of recommendations for amending the policy and budget framework to Council | | Functions delegated to the Chief Executive and other officers in accordance with the Officer Scheme of Delegation |
| 2 | Implementation of the approved policy and budget framework, except in relation to those Council Functions set out in Part 3(a) above | | Functions delegated to the Chief Executive and other officers in accordance with the Officer Scheme of Delegation |

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| 3 | Representing the Council and District to the public, other organisations and agencies, both within the District and at national level | Each individual Cabinet Member in respect of matters within their respective Portfolios | |
| 4 | To authorise virements to revenue budgets in accordance with thresholds set out in the Council's Financial Regulations | Each individual Cabinet Member in respect of matters within their respective Portfolios | Authorisation thresholds in relation to delegated powers to officers are set in the Council's Financial Procedure Rules |
| 5 | To authorise virements to capital budgets in accordance with thresholds set out in the Council's Financial Regulations | Each individual Cabinet Member in respect of matters within their respective Portfolios | Authorisation thresholds in relation to delegated powers to officers are set in the Council's Financial Procedure Rules |
| 6 | To authorise additions to budgets in accordance with thresholds set out in the Council's Financial Regulations | | |
| 7 | To respond to consultations by the Government, Government agencies and other Local Authorities on draft guidance, policies or regulations, or similar documents | Each individual Cabinet Member in respect of matters within their respective Portfolios | |
| 8 | To approve bad debt write offs in accordance with thresholds set out in the Council's Financial Regulations | | |
| 9 | To approve emergency payments under the Emergency Plan, in accordance with thresholds set out in the Council's Financial Regulations | Leader of the Council | |

3.2.7 If a Cabinet Member is not available to exercise powers designated to them, then those powers may be exercised by the Leader of the Council.

- 3.2.8 No decision will be taken without it first being subject to consultation with the relevant Chief Officer.
- 3.2.9 The Section 151 Officer or Monitoring Officer, or their appointed deputies in their absence, if they regard a decision as unlawful, will direct that this not be implemented and refer it to Cabinet.
- 3.2.10 Cabinet is not permitted to determine any matter in the discharge of such a function if that determination is contrary to the Council's Budget or Policy Framework.

Part 3(c) – Delegated Powers to Officers

- 3.3.1 Officers having delegated powers each have the ability to sub-delegate those powers to a nominated Officer or Officers to such extent as they shall determine, but the officer granting the sub-delegation shall remain responsible for any decision taken by the nominated officer.
- 3.3.2 Exercise of delegated powers is without prejudice to the right of the Council, Cabinet, Chief Executive or the body or person granting delegated powers to withdraw or amend any such delegation. The person with a delegated power may decline to exercise it and refer the decision to Cabinet, the appropriate Cabinet Member, Committee or other authorised Officer.
- 3.3.3 In addition to these delegated powers, powers may also be exercisable by Officers through Financial Procedure Rules, Contract Procedure Rules and as stated elsewhere in the Constitution.
- 3.3.4 Delegated powers will be exercised in accordance with the Procedural Rules set out in the Constitution and any other guidance provided by the Council, Chief Executive, Section 151 Officer and Monitoring Officer. Any expenditure will be within the appropriate budgetary provision, except for emergency expenditure.
- 3.3.5 Should it be necessary to consult with the Leader of the Council or Chairman of a Committee as part of exercising a delegated power, in their absence consultation will take place with the Deputy Leader of the Council or the Vice-Chairman of the relevant Committee.
- 3.3.6 Any variation to the proper or customary procedure will not of itself make ineffective any action or decision taken in good faith by an Officer in exercise of his or her delegated authority.
- 3.3.7 Officers should keep Ward Councillors informed of significant action proposed or taken in relation to their Ward.
- 3.3.8 The following table outlines those powers of the Council's three Statutory Officers (Head of Paid Service, Section 151 Officer and Monitoring Officer):

Statutory Officer Powers

| Ref | Function | Statutory Officer Powers | Designated Officer(s) |
|-----|----------------------|--|-----------------------|
| 1 | Head of Paid Service | <p>All statutory functions as Head of Paid Service and to undertake the following specific functions:</p> <ul style="list-style-type: none"> a) To determine and publicise a description of the overall department structure of the Council showing the management structure and deployment of Officers b) To report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of those functions and the organisation of Officers c) To maintain and update the scheme of delegation to Officers d) To grant dispensations in respect of any conflict of interest declared at Cabinet meetings by any Cabinet Member e) To serve as the Electoral Registration Officer f) To serve as the Returning Officer for District and Parish/Town Council elections g) To maintain corporate management and operational responsibility for all officers h) To approve operational People and Organisational Development policies, working procedures and protocols i) To represent the Council on partnership and external bodies j) In liaison with the Leader of the Council, to authorise officers who are suitably trained and qualified to carry out delegated functions when the authorised post becomes vacant or ceases to exist and update the Constitution accordingly k) To act as Parish Trustee l) To receive Councillors' declarations of acceptance of office m) To receive any Councillor's resignation from office n) To summon a Council meeting to fill a casual vacancy for the office of Chairman o) To receive notice of casual vacancies for the office of Councillor p) To determine polling places in consultation with Ward Councillors in the event that a polling place becomes unavailable during an election period q) To sign any notice, order or other document on behalf of the Council including summonses to Council meetings | The Chief Executive |

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| | | <ul style="list-style-type: none"> r) To hold an up-to-date list of politically restricted posts s) To notify the auditor of the times and dates of any meeting called to consider reports made by the Section 151 Officer t) To carry out functions in relation to charities u) To hold documents on deposit and make any acknowledgements as directed v) To certify byelaws confirming that they were made by the authority, any copy is a true one, that the byelaw has been placed with the Secretary of State and has not been disallowed and the date on which the byelaw comes into effect w) To receive written notice of any address, other their home address, to which Councillors request their summons to a meeting be sent x) To transfer all securities on the alteration of an area y) To make temporary appointments of Members to Town and Parish Councils under Section 91 of the Local Government Act 1972 and report and such appointments to the next meeting of Council | |
| 2 | Head of Paid Service – Emergency Powers | <p>Authorisation to take any and all actions considered appropriate in an emergency to protect and/or further the best interests of the Council, the District of South Kesteven and/or the public, subject to:</p> <ul style="list-style-type: none"> a) Consultation with the Leader of the Council or in his or her absence the Deputy Leader and any appropriate Cabinet Member b) A report of the action taken and the reasons behind it being presented to the next meeting of the Cabinet, Council or relevant Committee c) Informing the Opposition Group Leader of the action that has been taken <p>This delegation includes exercising the Council’s powers under Section 138 of the Local Government Act 1972 to incur expenditure and to suspend aspects of business as usual to enable the Council to comply with its duties under the Civil Contingencies Act.</p> | <p>The Chief Executive and any Officers they authorise</p> <p>(If the Chief Executive is unwell, unobtainable or unable to act or where there is no Chief Executive in post, a Director may act in their absence)</p> |
| 3 | Section 151 Officer | <p>All statutory functions as Section 151 Officer and undertake the following specific functions:</p> <ul style="list-style-type: none"> a) Make arrangements for the proper administration of the Council’s financial affairs b) Conduct loans, finance operations and incur and repay bank overdrafts in accordance with Council policies | <p>The Section 151 Officer or nominated deputy to act in their absence</p> |

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| | | <ul style="list-style-type: none"> c) Write-off debts due to the Council in accordance with the Council's Financial Regulations when they are satisfied that the debt cannot be recovered d) Exercise powers of the Council to anticipate precepts in accordance with regulations made by the Secretary of State e) Report to the relevant decision-making body and the external auditor, following consultation with the Head of Paid Service and Monitoring Officer, if they consider that any proposal or decision will involve incurring unlawful expenditure, or is unlawful and likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully f) Provide professional financial advice and advise on systems and internal control and ensuring systems are in place to deal with fraud and corruption g) Ensure that there is an effective audit function and arrangements for financial scrutiny h) Provide advice to Councillors and Officers on: <ul style="list-style-type: none"> ▪ The scope of powers and authority to make decisions ▪ Maladministration, financial impropriety and probity ▪ Budget and policy framework issues ▪ Corporate risk profiling and management i) Provide financial information to the media, members of the public and the community j) Provide financial management arrangements that ensure: <ul style="list-style-type: none"> ▪ A prudential framework is in place ▪ That any partnership arrangements or other structures for service delivery are underpinned by clear and well-documented financial controls ▪ That the Council secures effective arrangements for prudential borrowing ▪ That statutory and other accounts, associated claims and returns in respect of grants are prepared k) To exercise powers under relevant legislation to service notices, enter into agreements, give receipts, make adjustments, institute proceedings and take any action available to collect or enforce the collection of non-domestic rates, council tax and the personal, standard and collective community charges from those persons liable l) To receive notice on behalf of the Authority in respect of appeals over whether a dwelling is a chargeable dwelling or liable for council tax and calculation made in respect of council tax | |
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| | | <ul style="list-style-type: none"> m) To exercise the powers of the Council relating to the variation of the statutory instalment scheme for paying council tax n) To request information to identify the liable person in relation to a dwelling o) To manage the civil penalties schemes, including imposing and collecting penalties, in accordance with Council policies p) To enforce the payment of council tax q) To determine applications for discretionary rate relief in accordance with Council policies r) To administer arrangements for non-domestic rates s) To exercise powers in relation to the collection fund and the payment of precepts t) To establish and maintain the Council's General Fund u) To establish and maintain the Housing Revenue Account v) To make all calculations for the budget requirement subject to directions given by the Council w) To make arrangements for the proper administration of housing and council tax benefits x) To implement schemes for lease cars, car loans and travelling allowances as approved by the Council y) To authorise contributions up to a maximum of £200 towards litigation costs in cases supported by the Local Government Association z) To carry out all treasury management functions in accordance with the Council's Treasury Management Strategy aa) To maintain adequate internal controls for the procurement of goods and services for the Council by setting appropriate authorisation limits for Council Officers bb) To take appropriate action in respect of forfeiting, terminating or repossessing a lease between the Council and any tenant as the final part of debt recovery and breach of tenancy process where rent remains outstanding or there has been some other breach of the terms of the lease which would require the Council to obtain vacant possession of the leased premises cc) To make appropriate financial arrangements and/or payment to mitigate risk, including litigation or risk managing situations; taking such action as may be required for each situation/case based on appropriate professional opinion and advice dd) To prosecute instances of fraud under relevant legislation in consultation with Legal Services | |
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| | | <ul style="list-style-type: none"> ee) To sign and serve notice seeking possession and take action for possession of any Council dwelling, land or garage due to rent arrears ff) To sign, serve and issue Notices to Quit and take action for possession of any Council dwelling or garage under licence, non-secure tenancy as a result of rent arrears gg) To authorise the sale of Council dwellings under the Right to Buy scheme hh) To consider and determine applications for a review of a listing and applications received for compensation from the owner of any property included on the list of assets of community value ii) To use powers to detect and enforce against fraud in relation to Council Tax reduction Schemes jj) To set fees for the licensing of scrap metal dealers in consultation with the relevant Cabinet Member kk) To approve the addition of other authorities to participate in the Shared Service Partnership in the future, in consultation with the Cabinet Member for Finance ll) To approve changes to the Building Control fees and charges, in consultation with the Cabinet Member for Finance | |
| 4 | Monitoring Officer | <p>All statutory functions as the Council's Monitoring Officer and undertake the following specific functions:</p> <ul style="list-style-type: none"> a) To maintain an up-to-date version of the Constitution and ensure it is widely available for inspection by Councillors, staff and the public b) To correct minor anomalies within the Council's Constitution and report these changes to the Constitution Committee c) To maintain records of decisions and ensure public access to information d) To ensure the publication of notices relating to key decisions e) To exclude from agendas any report which is likely to be considered in the absence of the public f) To provide a summary of proceedings taken in the absence of the public when the minutes do not provide a reasonably fair and coherent record of the proceedings g) To supply any newspaper or media outlet with copies of any documents supplied to Councillors in connection with any item on the agenda, as long as they do not contain exempt information h) To ensure that a copy of any background papers material to a decision made by the | Monitoring Officer or designated deputy in their absence |

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| | | <p>Cabinet or Cabinet Members are available for public inspection</p> <ul style="list-style-type: none"> i) To maintain a record of any disclosable pecuniary interests declared by Councillors and make that record available for inspection j) To decide whether a document contains information that will exempt it from inspection by members of the Council k) To make reports to the Council, or Cabinet if in relation to an Executive Function, where they consider any proposal, decision or omission would give rise to unlawfulness or maladministration following consultation with the Head of Paid Service and the Section 151 Officer l) To receive complaints of failure to comply with the Members' Code of Conduct by District, Town and Parish Councillors and to delegate this responsibility back to the relevant Town or Parish Council where appropriate m) After consultation with the Council's Independent Person, determine whether a complaint against a Councillor merits formal investigation and, if necessary, to arrange the investigation n) To consider and determine applications for dispensation to allow a Councillor to participate and vote in any decision where they have an interest o) To investigate matters as referred to the Council by the Local Government Ombudsman p) To provide advice to all Councillors on their scope of powers and authority in respect of: <ul style="list-style-type: none"> ▪ Taking decisions ▪ Maladministration ▪ Financial impropriety ▪ Ethics and probity ▪ Policy Framework and budget ▪ Public interest test to determine the release of information q) To manage and administer petitions submitted to the Council r) To certify photographic copies of documents s) To send copies of byelaws to County, Town and Parish Councils | |
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3.3.9 The index and table below sets out the Officer Scheme of Delegation:

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Officer Scheme of Delegation

| Ref | Function | Delegation | Officer(s) Granted Delegation |
|-----|---------------|--|--|
| 1 | Air Pollution | <p>To carry out the following functions:</p> <ul style="list-style-type: none"> a) To monitor the district's air quality and develop and implement action plans to ensure that the air quality standards set by the Government are met b) To inspect premises and issue permits to operate under the Pollution, Prevention and Control Act 1999 c) To enter premises, serve notices and take all necessary action under relevant legislation | Chief Executive, relevant Director, Assistant Director of Operations and Public Protection and other officers they authorise in writing as being appropriately qualified and trained |
| 2 | Animals | <ul style="list-style-type: none"> a) To approve all applications for licences or registrations when all qualifying conditions are met in respect of animal licensing b) To engage a veterinary officer to carry out premises inspections at a fee, if necessary c) To be the Appointed Officer in respect of Dogs. d) To enter premises, serve notices and take all necessary action under relevant legislation in respect of the following: <ul style="list-style-type: none"> ▪ Seizure and detention of stray dogs ▪ Microchipping of dogs e) To enter premises, serve notices and take all necessary action under relevant legislation in respect of the following: <ul style="list-style-type: none"> ▪ Animal boarding ▪ Animal welfare ▪ Breeding and sale of dogs ▪ Dangerous dogs and wild animals ▪ Day care for dogs ▪ Keeping or training animals for exhibition ▪ Pet animals ▪ Riding establishments ▪ Zoos | Assistant Director of Operations and Public Protection and any other officer they authorise in writing as being appropriately qualified and trained |

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| | | f) Authority is given for delegation to Police Community Support Officers to serve fixed penalty notices in relation to dog fouling | |
| 3 | Arts, Culture and Events | To undertake management of the Council's art, culture and event provision | Chief Executive, relevant Director and any other officers they authorise in writing as being appropriately qualified and trained |
| 4 | Building Control | <p>To carry out the following activities in order to enable the Council to carry out its statutory or discretionary functions in accordance with relevant legislation:</p> <ul style="list-style-type: none"> a) To check applications for compliance with the building regulations b) To carry out site inspections on building work during construction to ensure compliance with building regulations c) To provide pre application advice to customers d) To have a development team approach on large projects e) Deal with enforcement of building regulations f) To provide a register for initial notices applications from approved inspectors g) To prepare quotes on applications for fees h) To maintain data from competent person register i) Process notices received for demolition of buildings j) To deal with dangerous structures k) To maintain a register and keep records for statutory time periods l) To maintain register for searches m) To lapse building regulations n) To offer additional construction fee paying services o) To alter or amend Building Regulation Charges by up to 10% | Chief Executive, relevant Director or Assistant Director and any other officers they authorise in writing as being appropriately qualified and trained |

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| 5 | Business Grant Scheme | To make awards under the Council's business grant scheme in consultation with the relevant Cabinet Member | Chief Executive, relevant Director and any other officers they authorise in writing as being appropriately qualified and trained |
| 6 | Buy back of ex-Council Properties | To purchase properties and agree any necessary purchase prices and/or parameters and any other property transactions or decisions required to effectively implement the Scheme to buy back ex-Council properties, with the agreement of the Section 151 Officer in consultation with the relevant Cabinet Member | Chief Executive or Director of Housing and Property |
| 7 | Common Seal of the Council | To attest the affixing of the Common Seal | Chief Executive or any Director |
| 8 | Contaminated Land | To enter premises, serve notices and take all necessary action in relation to contaminated land | Chief Executive, relevant Director Assistant Director of Operations and Public Protection and any officers they authorise in writing as being appropriately qualified and trained |
| 9 | Court Proceedings | Attendance to prosecute, defend or appear in any proceedings under Sections 222 and 223 of the Local Government Act 1972 | The Chief Executive and any officer of the Council authorised by them |
| 10 | Disposal of Lost and Uncollected Property | To dispose of lost and uncollected property on premises and land owned by the Council in accordance with Section 41 of the Local Government (Miscellaneous Provisions) Act 1982. | Chief Executive, relevant Director and any other officer they authorise in writing as being appropriately qualified and trained |

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| 11 | Equality and Diversity | To ensure that all officers act in accordance with relevant legislation and maintain the highest levels of consideration relating to equality and diversity in the delivery of the Council's functions and services | Chief Executive, Directors and Assistant Directors |
| 12 | Food Safety and Food Hygiene | To issue approvals, enter premises, serve notices and carry out all necessary action under relevant legislation | Chief Executive, relevant Director and any other officers they authorise in writing as being appropriately qualified and trained |
| 13 | Grant Funding | To submit applications for external grant funding | Chief Executive, any Director and any other officers they authorise in writing as being appropriately qualified and trained |
| 14 | Health and Safety | To carry out the following functions: a) To be responsible for enforcing health and safety regulations in all relevant premises to make sure they are safe for all employees and visitors b) To inspect, issue enforcement notices and take relevant action in respect of workplace health and safety under relevant legislation | Chief Executive, relevant Director, Assistant Director of Operations and Public Protection and any officers they authorise in writing as being appropriately qualified and trained |
| 15 | Housing | To carry out the following functions: a) Undertake the management, repair, maintenance, improvement and regeneration of the Council's housing stock and ensure regulatory compliance b) To prepare and lead on the implementation of the Housing Strategy including the provision of new Council homes c) To manage all landlord functions in relation to tenancy and estate management leaseholders within the Housing Revenue Account | Chief Executive, relevant Director and any other officer they authorise in writing as being appropriately qualified and trained |

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| | | <ul style="list-style-type: none"> d) To exercise the powers of the Council relating to tenants' rights to have repairs carried out and pay compensation for improvements in accordance with relevant legislation e) Prepare, maintain and administer the housing register f) Prepare, maintain and administer a housing allocation scheme in accordance with relevant legislation and subject to policy directions given by the Council g) Allocate housing to homeless applications to whom the Council owes a duty h) Sign and serve notice seeking possession and take action or possession of any Council dwelling, land or garage due to breach of tenancy i) Public information about secure tenancies j) Maintain arrangements for consultation with tenants on housing management matters that are likely to substantially affect them k) Issue yearly reports to all Housing Revenue Account tenants containing information about the functions of the Council as housing authority, as determined by the Secretary of State l) Make application to the County Court in connection with the general housing management regulation and control of the Council's stock m) Authorise disposal of small parcels of land held for the purposes of Housing Revenue Account land (not exceeding 0.25 acres) which is no longer required for use by the Council provided such disposals are in accordance with established policy n) Take all such action to undertake enquires in relation to homelessness and determine homelessness applications as appropriate o) To act as necessary in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 p) To authorise appropriate action in relation to empty homes in the district | |
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| 16 | Legal Proceedings | <p>a) To institute, defend or participate in any legal proceedings where such action is necessary to give effect to decisions of the Council or where the Chief Executive considers that such action is necessary to protect the Council's interest, unless any enactment otherwise authorises or requires this</p> <p>b) To sign any document where it is necessary to any legal procedure or proceedings on behalf of the Council unless any enactment or the Council has given authority to some other person</p> | Chief Executive, Deputy Chief Executive, Assistant Director of Governance or any officers they authorise in writing as being appropriately qualified and trained |
| 17 | Leisure | To undertake management of the Council's leisure provision, including buildings in relation to the Council's Leisure Centres | Chief Executive, relevant Director and any other officers they authorise in writing as being appropriately qualified and trained |
| 18 | Licensing | <p>To enter premises and take relevant action in relation to any licensable activity in accordance with the relevant legislation and the Council's policies and procedures, and undertake the following functions:</p> <p>a) To act as authorised officer for the purposes of licensing hackney carriage and private hire vehicles and drivers and to exercise the powers of the Council in respect of the offences set out below which may render the application not fit to hold, or continue to hold, a licence:</p> <ul style="list-style-type: none"> ▪ Sex offences ▪ Violence ▪ Drink-driving ▪ Reckless driving ▪ Driving without insurance ▪ Burglary and theft ▪ Impersonation ▪ Arson ▪ Blackmail ▪ Offences involving fraud or deception ▪ Firearms and other weapons ▪ Drugs | Chief Executive, relevant Director, Assistant Director of Operations and Public Protection and any officers they authorise in writing as being appropriately qualified and trained |

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| | | <p>b) To ensure that no hackney carriage or private hire driver's licence is issued to an applicant unless the criteria set out in the Hackney Carriage and Private Hire Vehicle Policy has been met</p> <p>c) To suspend or revoke a hackney carriage or private hire driver's licence with immediate effect in situations of urgency or in relation to a person's right to work in the United Kingdom, in consultation with Legal Services and the Chairman of the Licensing Committee, or Vice-Chairman in their absence</p> <p>d) To approve all applications, including applications for renewal, variation and transfer, of licences or registrations of premises and/or persons when all qualifying conditions are met in respect of the following functions:</p> <ul style="list-style-type: none"> ▪ Alcohol, entertainment and late night refreshment licensing ▪ Gambling licensing ▪ Scrap metal dealer licensing ▪ Street trading licensing ▪ Caravan and camp site licensing ▪ Environmental permitting ▪ Tattooing and skin piercing ▪ Public and house-to-house collections for charitable or other purposes ▪ Performances of hypnotism | |
| 19 | Management of Services | <p>To manage services:</p> <p>a) In accordance with any policy decisions made by, or guidelines issued by, the Council</p> <p>b) Within budgets made or approved by the Council</p> <p>c) In compliance with all Rules of Procedure and Codes set out in the Constitution</p> <p>And to take such decisions or actions as they are required or authorised to take in:</p> <p>d) Understanding orders adopted and decision made by the Council for implementation</p> <p>e) Their role as proper officers of the Council as defined in Section 270(3) of the Local Government Act 1972</p> | The Chief Executive, Directors, Assistant Directors, Heads of Service and Service Managers |

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| 20 | Neighbourhoods | <p>a) To Enter premises, serve notices and take all necessary action under relevant legislation in respect of the following:</p> <ul style="list-style-type: none"> ▪ Antisocial behaviour ▪ Waste ▪ Fly tipping ▪ Graffiti ▪ Fly-posting ▪ Abandoned vehicles ▪ Litter ▪ Dog fouling ▪ Public Spaces Protection Orders <p>b) To delegate power to Officers and Lincolnshire Police, including Police Community Support Officers, to issue fixed penalty notices on the Council's behalf</p> | Chief Executive, relevant Director, Assistant Director of Operations and Public Protection and any officers they authorise in writing as being appropriately qualified and trained |
| 21 | Neighbourhood Planning | <p>Following consultation with the relevant Cabinet Member and local Ward Councillor(s), to take decisions on:</p> <p>a) Applications to designate a Neighbourhood Forum</p> <p>b) To accept or decline repeat proposals for a Neighbourhood Development Plan or Neighbourhood Development Order</p> <p>c) The validity and acceptance of proposals for a Neighbourhood Development Plan or Neighbourhood Development Order</p> <p>d) Appointing a person to carry out the examination of a Neighbourhood Development Plan or Neighbourhood Development Order</p> <p>e) Action to be taken in response to recommendations included within the Examiner's Report and whether to modify the Plan or Referendum Area prior to submitting it for referendum</p> | Chief Executive, relevant Director and any officers they authorise in writing as being appropriately qualified and trained |
| 22 | Noise | <p>The undertake the following functions:</p> <p>a) To issue prior consents regarding noise and serve notice to control noise levels from construction sites</p> <p>b) To enter premises, serve notices and take all necessary action under relevant legislation</p> | Chief Executive, relevant Director, Assistant Director of Operations and Public Protection and any officers they authorise in writing as being appropriately qualified and trained |

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| | | <ul style="list-style-type: none"> b) Serve, in consultation with Legal Services breach of notice conditions relating to the implementation of planning permission and conditions containing a precedent requirement c) Remove or obliterate unauthorised placards and posters d) Service written notice requiring information as to interests in land or, if related to a planning contravention notice, activities carried out on the land e) To serve the following notices in consultation with Legal Services: <ul style="list-style-type: none"> ▪ Enforcement notice ▪ Breach of condition notice ▪ Section 215 notice ▪ Listed building enforcement notice ▪ Hazardous substance notice ▪ Stop notice ▪ Temporary stop notice f) To determine uncontested street naming applications g) To determine applications for grant aid in relation to listed buildings and conservation areas with the following exceptions: <ul style="list-style-type: none"> i) New applications which would commit the District Council to expenditure in excess of £1,000 ii) Applications for supplementary grant which would commit the District Council to further expenditure in excess of £500 iii) Applications where an applicant has requested reconsideration of a decision iv) Applications which involve a matter of policy, such as grants to Churches | |
| 24 | Private Sector Housing | <p>To carry out the following functions:</p> <ul style="list-style-type: none"> a) To enter premises, serve notices and take all necessary action under relevant legislation b) To act as the Proper Officer in relation to the signature of documents under the Housing Act 2004 parts 1, 2 and 4 and other relevant legislation in relation to the condition of houses c) To serve notices to recover expenses incurred in the service of notices under the Housing Act 2004 | Chief Executive, relevant Director, Assistant Director of Operations and Public Protection and any officers they authorise in writing as being appropriately qualified and trained |

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| | | <ul style="list-style-type: none"> d) To serve notices requiring the production of documents reasonably required to allow the enforcement function to be carried out e) To determine applications for mandatory disabled facilities grants and other grants provided under the Housing Grants, Construction and Regeneration Act 1996 in accordance with Council policies f) To arrange for the restoration of utilities if the supply has been cut off as a result of landlord failure where a building is used as a dwelling g) To serve notices to restrict the number of occupants in houses in multiple occupation h) To issue licences for houses in multiple occupation and impose conditions where appropriate i) serve remedial notices and penalty charge notices under the Smoke and Carbon Monoxide Alarm (England) Regulations | |
| 25 | Property | <p>To carry out the following functions and issue any relevant notices:</p> <ul style="list-style-type: none"> a) Responsibility for managing the Council's commercial property and development function and external consultants retained for that purpose b) Appointing Valuation Surveyors as appropriate and required to conduct negotiations for the sale of purchase of any land or property c) To purchase at auction any land within the district on the Council's behalf pursuant to agreement from Full Council or Cabinet d) Managing the maintenance of a property terrier and property asset register for the Council e) To negotiate and conclude, subject to Council policy and procedure, land, property acquisitions and disposals of housing working with relevant partners where appropriate f) To arrange short term lettings of land not immediately required for other purposes at rent/licenses fees fixed by the Section 151 Officer g) Grant, vary or discharge easements and covenants in, over or for the | Chief Executive, relevant Director and any other officers they authorise in writing as being appropriately qualified and trained |

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| | | <p>benefit of land owned by the Council subject to:</p> <ul style="list-style-type: none"> ▪ Valuation agreed by the District Valuer ▪ Approval of the relevant Assistant Director of any service directly concerned <p>h) Exercise all the Council's powers and duties, including the power to issue directions and to apply:</p> <ul style="list-style-type: none"> ▪ To the Magistrates Court for orders relating to unauthorised encampments of travellers ▪ To the Civil Courts for orders against trespassers on Council land or property <p>i) Serve notices and authorise repairs in relation to drainage under relevant legislation</p> <p>j) Consult with the relevant Cabinet Member to determine regulations, procedures and guidance relating to applications to list properties as assets of community value in accordance with relevant legislation</p> <p>k) Consider and determine applications nominating a property as an asset of community value in consultation with the Legal Services Team</p> | |
| 26 | Public Health | <p>To act as the Proper Officer of the Council in relation to public health matters and to carry out those public health functions that are the responsibility of the Council in accordance with relevant legislation. The Proper Officer:</p> <p>a) Will notify the UK Health Security Agency of any communicable disease or condition presenting the risk of significant harm to human health on behalf of the Local Authority</p> <p>b) Will carry out the following functions without the authorisation of a Justice of the Peace:</p> <ul style="list-style-type: none"> ▪ Requiring that a child is kept away from school ▪ Requiring a head teacher to provide a list of contact details of pupils attending their school ▪ Disinfect or decontaminate premises or articles on request ▪ Request, but not require, individuals or groups to co- | Assistant Director of Operations and Public Protection |

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| | | <p>operate for health protection purposes</p> <ul style="list-style-type: none"> ▪ Restrict contact with, or relocate, a dead body for health protection purposes <p>c) Can apply to a Justice of the Peace for an order imposing restrictions or requirements on a person to:</p> <ul style="list-style-type: none"> ▪ Undergo a medical examination, not a treatment or vaccination ▪ Be taken to hospital or other suitable establishment ▪ Be detained in hospital or other suitable establishment ▪ Be kept in isolation or quarantine ▪ Be disinfected or decontaminated ▪ Wear protective clothing ▪ Provide information or answer questions about their or other circumstances ▪ Have their health monitored and the results reported ▪ Attend training or advice sessions on how to reduce the risk of infecting or contaminated others ▪ Be subject to restrictions on where they go or who they have contact with ▪ Abstain from working or trading <p>d) Can request for an order from a Justice of the Peace requiring that:</p> <ul style="list-style-type: none"> ▪ A thing(s) is/are seized or retained, kept in isolation or quarantine, disinfected or decontaminated or destroyed and disposed of ▪ A body or human remains be buried or cremated, or that human remains are otherwise disposed of ▪ Premises are closed, premises are disinfected or decontaminated, a conveyance or movable structure is detained or a building, conveyance or structure is destroyed <p>e) Will receive notifications of any communicable disease or condition presenting the risk of significant harm to human health on behalf of the Local Authority</p> <p>f) May enter premises, serve notices and take all necessary action under relevant legislation in respect of the following</p> | |
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| | | <ul style="list-style-type: none"> i) Drainage, when satisfied that immediate action is necessary ii) Requiring works to be carried out in buildings with defective water closets capable of repair iii) Overflowing and leaking cesspools iv) Unblocking private sewers v) Removal of noxious matter vi) Closing or restricting the use of water from a polluted source of supply vii) Control of rats and mice viii) Private water supplies ix) Securing buildings against unauthorised entry x) Cleansing of filthy or verminous premises or persons <p>g) Will arrange for the burial or cremation of a body of a person who has died or been found dead in the area where no other suitable arrangements have or will be made and seek to recover any costs incurred</p> <p>h) Can appoint a public analyst under Section 77 of the Food Safety Act 1990</p> <p>Authority is delegated to the Director of Public Health and all other Proper Officers of the UK Public Health Security Agency as follows:</p> <ul style="list-style-type: none"> i) To apply to the Justice of the Peace for orders in relation to persons suffering from communicable diseases ii) To apply in emergency situations to the relevant Court for the removal to suitable premises of people in need of care and attention | |
| 27 | Tendering | <p>To accept tenders and award contracts to contractors on behalf of the Council in the following circumstances:</p> <ul style="list-style-type: none"> a) Following a tender process strictly in accordance with the Council's Contract Procedure Rules and Financial Regulations b) For carrying out works and/or the provision of goods and/or services | <p>The Chief Executive, Directors, Assistant Directors, Heads of Service and Service Managers</p> |

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| 28 | Statutory Nuisance | To carry out inspections, enter premises, serve abatement notices and carry out all necessary action in relation to statutory nuisance in accordance with relevant legislation | Chief Executive, relevant Director, Assistant Director of Operations and Public Protection and any other officers they authorise in writing as being appropriately qualified and trained |
| 29 | Submission of Applications for Planning Permission | To submit applications for planning permission on behalf of the Council | Chief Executive, relevant Director or any other officers they authorise in writing as being appropriately qualified and trained |
| 30 | Sunday Trading | To appoint inspectors in relation to Sunday Trading | Chief Executive, relevant Director, Assistant Director of Operations and Public Protection and any other officers they authorise in writing as being appropriately qualified and trained |
| 31 | Surveillance and Investigation | To undertake the following functions: a) To authorise applications for the use of directed surveillance and investigation in accordance with the Regulation of Investigatory Powers Act 2000 b) To undertake interviews and process and store evidence under the provisions of the Police and Criminal Evidence Act 1984 c) To issue Simple Cautions where there is evidence that the offender has committed an offence, the offender admits to the offence, it is not in the public interest to prosecute and the offender agrees to being given the caution | Chief Executive and any other officer they authorise in writing as being appropriately qualified and trained |

PLANNING SCHEME OF DELEGATION

Development Management

All decisions, responses or determinations arising in relation to applications, approval of reserved matters, prior approvals, certificates, consents and consultations, submitted to or received by the Council in accordance with all Town and Country Planning, Listed Building and related or associated legislation (including subordinate legislation and any consolidation, re-enactment or amendment thereto) shall be delegated to the Authorised Officer(s) as specified above, except the following:

1. In respect of any particular ward: any application for planning permission, approval of Reserved Matters, Conservation Area Consent, tree works approval or Listed Building Consent where a Councillor from that ward or an adjoining ward has requested, in writing within 21 days of being notified of the application, that the application be considered by Committee. Any request will be accompanied by a statement setting out the relevant substantive material planning reason that the application be determined by the Planning Committee and the referral is agreed by the Chairman of the Planning Committee. Any call-in request received after the initial 21-day notification period will be accompanied by a statement setting out the extenuating circumstances why the request could not have reasonably been made within the notification period; any such late requests must be agreed by the Chairman and Vice-Chairman of the Planning Committee.
2. Any application which is a departure from the Local Plan must be taken to the Planning Committee where it is the Officer's recommendation to approve the application. Where the Local Plan is silent on matters, but a proposal is in conformity to the National Planning Policy Framework (NPPF), then an application can be determined through the Scheme of Delegation.
3. Applications that the Assistant Director for Planning considers that the application/notice/matter should be considered by Planning Committee.
4. Applications for Reserved Matters where the original outline planning permission was determined by the Planning Committee¹
5. Applications submitted on behalf of the Council or where the Council has an interest in the development and/or land.
6. Applications submitted by (includes where they may be acting as an agent), or on behalf of a District Councillor (or his/her spouse or partner or immediate family).
7. Applications where a District Councillor lives in an adjoining property, a property opposite the application site or a property either side.

¹ In cases where the outline planning application was not determined by the Planning Committee, Councillors will need to use the "call-in" procedure should they wish to request that the Committee makes a decision on any Reserved Matters application.

8. The applicant or agent is a member of staff within the Authority.
9. Where an Officer who is a member of the Council's Senior Management Team or a member of staff within the Planning Service or any member of staff within the Authority who could be seen as having a direct input to, and therefore influence on, application decisions, lives in the adjoining property, a property opposite the application site or a property either side.

Where there are statutory time limits for making decisions or taking action where non-determination within a set period automatically gives consent (e.g. agricultural buildings, demolitions and telecommunications determinations and notifications of works to trees in a conservation area), the Assistant Director of Planning or other appropriately qualified and trained Officers authorised by them in writing, may determine the applications. The authorised Officer will consider any objections received and, at their discretion, efforts will be made to resolve the objection before the expiry period. The existence of an objection will not alter the Officer's authority to make a decision in these instances.

The Assistant Director of Planning and other appropriately trained and qualified Officers authorised by them in writing, may also exercise the following functions:

- Accepting material minor amendments (Section 73 applications) and/or non-material minor amendments (Section 96a Applications) to approved plans
- To adopt screening and scoping opinions under the Environmental Impact Assessment Regulations
- To carry out and adopt Appropriate Assessment under the Habitats Regulations.
- To make non-material additions, deletions, or amendments to the conditions to be attached to the grant of planning permission, Listed Building Consent, Conservation Area Consent, Hazardous Substances Consent or Advertisement Consent, authorised by the Planning Committee or Council
- To respond to notifications for proposed works to trees in conservation areas
- Issuing hedgerow retention notices and general discharge of duties under the Hedgerow Regulations 1997
- To determine applications relating to the High Hedge Legislation
- Authorising powers of entry in respect of complaints and appeals under Antisocial Behaviour Legislation
- Entering into a Section 106 Agreement on a delegated planning application approval where no financial contributions are required.
- Entering into planning performance agreements on behalf of the Council as the Local Planning Authority
- Entering premises for statutory purposes
- To determine the reasons for which planning permission, Listed Building Consent, Conservation Area Consent, Hazardous Substances Consent, or Advertisement Consent, would have been refused where this is relevant to appeals against the non-determination of applications
- On a without prejudice basis in relation to appeals in the event that the Secretary of State or the appointed Inspector is minded to grant permission;
 - To suggest appropriate conditions be imposed on planning permission, Listed Building Consent, Conservation Area Consent, Hazardous Substances consent or advertisement consent; and
 - To approve/make comments on the terms of Section 106 Agreements or Unilateral Undertakings

Planning Service: enforcement

The Assistant Director of Planning is authorised to carry out, and authorise in writing other Officers with necessary training and qualifications, the following functions:

- Administer cautions in respect of breaches of advertisement control and in other cases where, following authorisation, court proceedings are considered appropriate.
- To make determinations that it is not expedient to take enforcement action
- To remove or obliterate unauthorised placards or posters or display structures under the Town and Country Planning Act.
- To serve Requisitions for Information requiring information as to interests in land or, if related to a planning contravention notice, activities carried out on the land
- To serve Planning Contravention Notices on owners and occupiers of land where it appears that a breach of planning control has taken place
- To serve the following notices following consultation with the Assistant Director of Governance:
 - Enforcement notice
 - Breach of condition notice
 - Section 215 notice under the Town and Country Planning Act
 - Listed building enforcement notice
 - Hazardous substance Enforcement notice
 - Discontinuance Notices under the Control of Advertisement Regulations
 - Stop notice
 - Temporary stop notice
- To accept or reject such offers to remedy a breach of control as are made under the Town and Country Planning Act 1990
- To authorise the institution of legal proceedings in respect of any matter within the terms of reference of the Planning Committee and following consultation with Legal Services
- To authorise the institution of legal proceedings for failure to respond to, or to give satisfactory information required by Requisitions for Information, or Planning Contravention Notices.

Listed below are the circumstances where enforcement matters will be presented to the Planning Committee. All other matters will be dealt with by the Assistant Director of Planning, or other duly authorised Officer:

- i. Where the case involves a Member of the Council (or an immediate relative) or any employee of the Council (or an immediate relative).
- ii. Where there is a contravention of planning control involving the Council's own development that is unresolved through the planning system.
- iii. Issues of significant public interest.

Street Naming and Numbering

The Assistant Director of Planning and other Officers appropriately qualified, trained and authorised by them in writing, have authority to determine uncontested street naming and numbering applications.

Planning Policy

Following consultation with the relevant Cabinet Member and the local Ward Councillor(s), the Assistant Director of Planning is authorised to make decisions on the following:

- Applications to designate a Neighbourhood Forum
- To accept or decline repeat proposals for a Neighbourhood Development Plan or Neighbourhood Development Order
- The validity and acceptance of proposals for a Neighbourhood Development Plan or Neighbourhood Development Order
- Appointing a person to carry out the examination of a Neighbourhood Development Plan or Neighbourhood Development Order
- Decisions in respect of action to be taken in response to recommendations included within the Examiner's Report and whether to modify the Plan or Referendum Area prior to submitting it for referendum

The Assistant Director of Planning has delegated authority to determine applications for grant aid in relation to listed buildings and conservation areas with the following **exceptions**:

- New applications which would commit the District Council to expenditure in excess of £1,000
- Applications for supplementary grant which would commit the District Council to further expenditure in excess of £500
- Applications where an applicant has requested reconsideration of a decision by the Assistant Director of Governance.

After consultation with the appropriate Cabinet Member, to respond to policy and other planning documents relevant to the Council, prepared by other bodies.