

Scheme of Delegation to Officers

A. General

Introduction

1. This section of the scheme for the Responsibility for Function delegates powers and duties of St Edmundsbury Borough Council to officers under Section 101 of the Local Government Act 1972, and all other powers enabling delegations, but is not intended to be by way of limitation of the powers provided in that Section.
2. It is also adopted with the intent that it shall lead to a streamlining and simplification of the processes of the Borough Council and, accordingly, it should be interpreted widely rather than narrowly.
3. Where broad functional descriptions are used, the delegations in this scheme should be taken to include powers and duties within all present and future legislation, and all powers incidental to that legislation, including the incidental powers and duties under Section 111 of the Local Government Act 1972.
4. This scheme of delegations shall operate in addition to any previous, or short-term, delegations. Prior to each update of this document, it may also be superseded by revised or new delegations, properly agreed in accordance with the Council's Constitution but not yet incorporated.
5. In this scheme of delegations any reference to a specific Statute, Statutory Instrument, Regulation, Byelaw, Order, or any section, article, paragraph or part thereof, shall be deemed to incorporate reference to any enactment amending, re-enacting, or replacing the same.
6. Any reference to the masculine includes the feminine and vice versa.

Overall Limitations

7. This scheme does not delegate to officers:-
 - (a) any matter reserved by law to the Council, the Cabinet, a Committee or Sub-Committee of the Council; and
 - (b) any matter which is specifically excluded from delegation by the scheme or by resolution of the Council or Cabinet.
8. Officers may only exercise delegated powers in accordance with:-
 - (a) the Rules of Procedure contained in Part 4 of this Constitution (which include rules relating to matters of urgency);

- (b) plans, policies, schemes or strategies approved by or on behalf of the Council;
- (c) any statutory restrictions, guidance or statutory code of practice;
- (d) the statutory and local requirements in respect of the taking and recording of Key Decisions;
- (e) the revenue and capital funding for the relevant service as approved by the Council, subject to any variations which are permitted by virtue of the Council's Rules of Procedure; and
- (f) the Council's Equal Opportunities and other policies, procedures, standards and the Local and National Conditions of Service.

Sub-Delegation

- 9. Any officer with delegated powers in this scheme is also authorised to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officers. Sub-delegations shall be recorded in a register kept by the Head of Legal and Democratic Services.

Further Provisions

- 10. It shall always be open to an officer not to exercise their delegated powers but to refer the matter to the Cabinet or relevant Committee for decision.
- 11. In exercising delegated powers, officers shall consult other officers as appropriate and have regard to any advice given. In particular, officers must have regard to any report by the Head of Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Finance Officer under Section 114 of the Local Government and Housing Act 1988.

B. Budget Setting and Medium-Term Planning, Budget Monitoring and Control and Resource Allocation

1. Budget Setting and Medium-Term Planning

1.1 Overarching Principles

1.1.1 St Edmundsbury Borough Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the authority's plans and policies.

1.1.2 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.

1.1.3 Medium-term financial planning involves a planning cycle in which managers develop their plans. As each year passes, another future year is added to the medium-term plan. This ensures that the authority is always preparing for events in advance. The Medium Term Financial Strategy (MTFS) reflects this forward planning financially.

1.2 Key controls

1.2.1 The key controls for budget setting and medium-term planning are:-

- (a) budget managers are consulted and involved in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set out in the Constitution for their budgets and the level of service to be delivered; and
- (b) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

1.3 Responsibilities

1.3.1 Chief Finance Officer

- (a) Prepare and submit reports on budget prospects as part of the annual financial planning cycle, including resource constraints set by the Government and other external factors. Reports should take account of medium-term prospects, where appropriate. To prepare reports at intervals during the year in specific circumstances, such as prior to approval of additional expenditure.
- (b) Prepare and submit the annual budget to full Council, on the basis of information provided by Directors and Heads of Service.

- (c) Advise on the medium-term implications of spending decisions.
- (d) Encourage the best use of resources and value for money by working with the Chief Officers and their staff to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- (e) To advise the full Council in accordance with his or her responsibilities under Section 151 of the Local Government Act 1972.

1.3.2 **Heads of Service**

- (a) Prepare budgets on the basis of service priorities, within the overall context of the Cabinet's agreed priorities.
- (b) Prepare budgets that are consistent with any relevant cash limits, as part of the authority's annual budget cycle and within guidelines issued by Cabinet (for example relating to the setting of council tax).
- (c) Integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- (d) When drawing up draft budget requirements, to have regard to:-
 - (i) spending patterns and pressures revealed through the budget monitoring process;
 - (ii) legal requirements;
 - (iii) policy requirements as defined by the Full Council in the approved policy framework; and
 - (iv) initiatives already under way.

2. **Budget Monitoring and Control**

2.1 **Overarching Principles**

2.1.1 Budget management ensures that once the budget has been approved by full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers to account for defined elements of the budget.

2.1.2 By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within

an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

- 2.1.3 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the Director's scheme of delegation.

2.2 **Key controls**

2.2.1 The key controls for managing and controlling the revenue budget are that:-

- (a) budget managers should be responsible only for income and expenditure that they can influence;
- (b) there is a nominated budget manager for each cost centre heading;
- (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- (d) budget managers follow an approved certification process for all expenditure;
- (e) income and expenditure are properly recorded and accounted for; and
- (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

2.3 **Responsibilities**

2.3.1 **Chief Finance Officer**

- (a) Establish an appropriate framework of budgetary management and control which ensures that:-
 - (i) budget management is exercised within annual cash limits unless the full Council agrees otherwise;
 - (ii) each Head of Service has available timely information on income and expenditure for each budget, which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
 - (iii) expenditure is committed only against an approved budget head;
 - (iv) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;

- (v) each cost centre has a single, named manager, determined by the relevant Chief Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making process that commits expenditure; and
 - (vi) significant variances from approved budgets are investigated and reported by budget managers on a regular basis.
- (b) To administer the authority's scheme of virement.
 - (c) To prepare and submit regular reports to the Cabinet and Performance and Audit Scrutiny Committee on the authority's projected income and expenditure compared with the budget on a regular basis.
 - (d) Where a Head of Service is unable to balance expenditure and resources within existing approved budgets under his or her control, to submit reports to the Performance and Audit Scrutiny committee, in consultation with the relevant Chief Officer.

2.3.2 Heads of Service

- (a) Maintain budgetary control within their responsibility, in adherence to the principles in 2 above, and to ensure that all income and expenditure are promptly and properly recorded and accounted for.
- (b) Ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Head of Service (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure. The current list is attached at Appendix 1 and is updated annually, or following any major restructuring.
- (c) Ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- (d) Ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- (e) Ensure prior approval by the Cabinet and full Council (as appropriate) for new proposals that create financial commitments in future years.
- (f) To ensure compliance with the scheme of virement.
- (g) Agree with the relevant Head of Service where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Head of Service level of service activity.

3. **Resource Allocation**

3.1 **Overarching Principles**

3.1.1 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

3.2 **Key controls**

3.2.1 The key controls for resource allocation are:-

- (a) resources are acquired in accordance with the law and using an approved authorisation process;
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- (c) resources are securely held for use when required; and
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

3.3 **Responsibilities**

3.3.1 **Chief Finance Officer**

- (a) Advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.
- (b) Assist in the allocation of resources to budget managers.

3.3.2 **All Heads of Service**

- (a) Work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- (b) Ensure that delegated budgets are appropriately managed inline with the Scheme of Financial Delegation and other policy requirements.

C. Joint Chief Executive

The following powers and duties shall be delegated to the Joint Chief Executive, or in his/her absence to the nominated Director or in his/her absence a Director or the Head of Legal and Democratic Services.

- (a) Where, in his/her opinion, by reason of limitation of time or urgency, a decision is required on any matter, after such consultation as he/she considers necessary (or as is required by the Council's Budget and Policy Framework Procedure Rules in Part 4 of this Constitution), he/she shall have power to make a decision provided that any such decision shall be reported to the next meeting of the Cabinet, appropriate Committee or Council unless there is a need for confidentiality, in which case the reporting of the decision may be deferred until the need for confidentiality expires.
- (b) To issue and renew authorisations for Officers and appoint Inspectors to enter premises for the purpose of their official duties in pursuance of statutory provisions in that behalf.
- (c) After such consultation as considered appropriate, to take any necessary action, including the implementation of the grievance and disciplinary procedures and dismissal, apart from Corporate Directors.
- (d) After such consultation as considered necessary, authority to make recommendations to the appropriate Committee concerning the implementation of grievance and disciplinary procedures (up to and including dismissal) in respect of all salaried employees.
- (e) After such consultation as considered necessary to approve incremental advancement of an officer within their Department.
- (f) After consultation with the Head of Legal and Democratic Services and the Head of Human Resources and Organisational Development to make revisions and amendments to the list [of Politically Restricted Posts] maintained under Section 2 of the Local Government and Housing Act, 1989 and to give Certificates of Opinion in connection with applications for exemption.
- (g) After such consultation as he/she considers necessary to make appointments within his/her Department subject to compliance with the appropriate National or Local Scheme for Conditions of Service.
- (h) Within approved budgets, to determine all fees for functions carried out in respect of electoral registration and elections.
- (i) Update the Corporate Plans at any time with new performance and demographic information, or to reflect formal changes to the Council's policy framework, budgets and other documents in the corporate planning framework.
- (j) To review and update the operational elements of the Equality Framework contained within Sections 2 to 7 as necessary, in

consultation with the Portfolio Holder for Performance and Resources (or equivalent).

D. All Chief Officers (including Joint Chief Executive)

For the purposes of this section, "Chief Officer" shall be taken to mean the following officers:-

Joint Chief Executive

Directors

Heads of Service

1. Where the Council, Cabinet or a Committee has settled the policy and/or budget for a matter or class of matters, each Head of Service shall be empowered to deal with such matters within the limits of such policy or budget, including the supervision of contracts and works and responding on behalf of the authority to consultation exercises.
2. All Chief Officers also have specific authority:-
 - (a) Provided that it does not constitute a Key Decision (as defined in Article 12 of the Constitution), to undertake virements of up to £25,000 on behalf of the Cabinet in any one case between the budgets under their control, subject to consultation with the relevant Portfolio Holder(s) and the Leader and the Chief Finance Officer; such virements should be non-recurring and must not include asset rental or fixed percentage maintenance budgets, interest income or recharges which have implications elsewhere in the budget, and must be confirmed in writing to the Chief Finance Officer in a format approved by him/her and reported to Cabinet via budget monitoring reports.
 - (b) In the case of budgets allocated to the control of a Committee, to undertake virements of up to £5,000 in any one case between the budgets under their control, subject to consultation with the Committee Chairman and the Chief Finance Officer; such virements must not include asset rental or fixed percentage maintenance budgets, interest income or recharges which have implications elsewhere in the budget, and must be confirmed in writing to the Chief Finance Officer in a format approved by him/her and reported to the Committee via budget monitoring reports.
 - (c) To invite tenders and quotations; and to make exemptions to those Rules of Procedure which relate to contracts (in accordance with the requirements of those Rules of Procedure in respect of exemptions) for the purchase or sale of goods and services relating to matters within their purview.
 - (d) In accordance with approved policies and procedures, within approved budgets and in consultation with the Head of Human Resources and Organisational Development:-
 - (i) make appointments and terminations within their respective establishments, subject to compliance with the appropriate National or Local Scheme of Conditions of Service;

- (ii) to redesignate posts, as necessary, to meet corporate and service objectives;
 - (iii) to establish externally funded posts or those fully reimbursed through income generation for the duration of the funding;
 - (iv) to establish temporary posts to respond to peaks in workloads, cover for long-term sickness, maternity leave for periods of up to one year;
 - (v) to extend sick pay at full or half pay for a period of up to six months; and
 - (vi) to undertake consultations, negotiations and discussions with Trade Unions on operational matters.
- (e) To take such action as they consider necessary, in respect of grievance and disciplinary procedures, but, in the case of dismissal only, subject to the agreement of the Head of Human Resources and Organisational Development.
- (f) To attend and to authorise the attendance of staff at meetings, conferences and seminars, within the approved departmental estimates and after consultation with the Human Resources Consultant Learning and Development to approve training/study courses and day release for study purposes delivered through the Corporate Training Plan.
- (g) Where they are responsible for the provision of an in-house service, to be responsible for deciding whether work related to that service should be contracted out.
- (h) To appoint consultants within budgetary limits.
- (i) To vary the hours or days during which buildings or services are to be available to the public.
- (j) Within existing budget allocations and policies, to determine any applications for grants, contributions and subscriptions to voluntary and other organisations not already covered by specific delegations in this scheme, up to a maximum of £5,000 in any one case and subject to consultation with the relevant Portfolio Holder(s).
- (k) To approve supplementary estimates by drawing on any working balances allocated to their control up to a limit of £5,000 in each case, following consultation with the Chief Finance Officer and the relevant Portfolio Holder(s) (or Committee Chairman in the case of any budget allocated to the control of a Committee). Any notifications to or consultations with the Chief Finance Officer and Portfolio Holders to be made or confirmed in writing.

3. The Chief Officer, or his nominated representative(s), shall have the power to negotiate sponsorship initiatives. Upon completion there shall be a written contract entered into after consultation with the Head of Legal and Democratic Services.
4. Chief Officers of support services are authorised to utilise credit balances on support service accounts as follows:-
 - (a) to correct or adjust charges made to in-house client departments; and
 - (b) to acquire occasional goods and services to facilitate provision of the support service without making a charge to in-house client departments.

subject to all such transactions being confirmed in writing to the Chief Finance Officer, following initial consultation; and the Chief Finance Officer having delegated authority to make and amend a scheme governing such transactions should he consider it necessary.

5. Chief Officers, in consultation with the Chief Finance Officer, are authorised to utilise credit balances on the reserve accounts within their area of responsibility to finance expenditure relating to the purpose of the reserve.
6. The Joint Chief Executive and Heads of Service be authorised to produce short annual Service Plans in consultation with the relevant Portfolio Holders using the approved format and to publish them on the Council's website/intranet.
7. In the absence of any Chief Officer the Directors are authorised to exercise the delegated authorities contained in this scheme (with the exception of those relating to dismissal).

Head of Resources and Performance

1. To be responsible for the administration of the financial affairs of the Council pursuant to Section 151 of the Local Government Act 1972 and to act generally as the Council's Chief Finance Officer under the terms of the Local Government Act 1988.
2. To be responsible for maintaining an adequate and effective system of internal audit.
3. To be responsible for the implementation and management of the Council's Risk Strategy.
4. To collect all income due to the Council.
5. To institute proceedings in a Magistrates Court for the purpose of recovering sums due under the General Rate Act 1967 and the Local Government Finance Acts of 1988 and 1992.
6. To make or object to proposals for alteration or addition to the Valuation List.
7. To obtain Certificates and to apply to the Valuation Officer for apportionment of the rateable value of partly occupied hereditaments under Section 25 of the General Rate Act 1967 and the Local Government and Housing Act 1989.
8. To deal with applications for the statutory rate relief for charities.
9. To be responsible for insuring all properties and appropriate liabilities and settling all insured claims through the Council's insurers.
10. To pay all creditors, including loan interest recipients and employees of the Council.
11. To make refunds of rates under Section 9 of the General Rate Act 1967 where the certificate of the Valuation Officer has been obtained.
12. The Chief Finance Officer to manage the Revenues and Benefits function, including being authorised to appoint appropriately qualified officers employed within the Anglia Revenues Partnership to:-
 - (a) make complaints to and appear before a Magistrates' Court in connection with summonses for non-payment of Council Tax and National Non-Domestic Rates and to take all steps and appear before a Magistrates' Court in connection with applications for the issue of warrants committing Community Charge, Council Tax and National Non-Domestic Rates debtors to prison;
 - (b) appear before any Valuation Tribunals held under the Local Government Finance Acts 1988 and 1992;

- (c) appear before a County Court for the issue of a charging order under Sections 50 and 51 of the Council Tax (Administration and Enforcement) Regulations 1992;
 - (d) write off as irrecoverable any bad debt up to £500;
 - (e) issue a formal caution and administrative penalty relating to Housing Benefit or Council Tax Benefit fraud;
 - (f) exercise Section 109B and 109C powers under the Social Security Act 1992 (power to obtain information in relation to benefit fraud) and, under Section 110A of the same Act, the Chief Finance Officer to authorise further officers to exercise such powers; and
 - (g) obtain information, following consultation with the Chief Finance Officer and Deputy Finance Officer, relating to benefit fraud under the Social Security Fraud Act 2001.
13. To write off as irrecoverable any bad debt up to £1,500 and write off obsolete plant and equipment.
 14. To serve notices pursuant to the General Rate Act 1967 and Local Government Finance Acts of 1988 and 1992.
 15. To manage the Council's investments.
 16. To accept on behalf of the Council temporary and permanent loans.
 17. To manage the Council's rating function including the acquisition of information required and the provision of information to ratepayers.
 18. To seek advice on suspected Benefit and Council Tax fraud cases.
 19. To determine the charges payable for letting accommodation in the Haverhill Offices.
 20. To be responsible for preparing all financial accounts, statements, estimates and budgets for the Council.
 21. To manage the Council Tax functions including the provision of statutory information, and the billing, collection and recovery of sums due.
 22. To deal with applications made under the Local Government Finance Act 1992 for Council Tax Reductions for Disabilities.
 23. To fix the instalment dates for the payment of the Council Tax and for the National Non-Domestic Rates.
 24. To determine applications for rating relief under Sections 43, 45 and 49 of the Local Government Finance Act 1988.

25. To approve applications for discretionary rate relief under the provisions of the Local Government Finance Act 1988 and in accordance with criteria laid down by the former Development and Finance Committee and subject to appeal to the Licensing and Regulatory Committee.
26. To determine applications for rating relief (hardship relief) made under S49 of the Local Government Finance Act 1988 subject to appeal to the Licensing and Regulatory Committee and to an annual report to the Cabinet of decisions made.
27. To operate and amend the list of qualifying properties under the Village Shops and Post Offices Rate Relief Scheme.
28. To authorise the purchase of equipment from the Mechanical Office Equipment Renewals Provision.
29. To pay allowances to Members in accordance with Council policy.
30. To approve miscellaneous ex-gratia payments not exceeding £500 in any one case.
31. To prepare and monitor the Capital Programme together with the available Capital Resources.
32. To determine fees, after consultation with the Head of Planning and Regulatory Services, Head of Housing, or Head of Legal and Democratic Services as appropriate, pursuant to the following statutes:-
 - Pet Animals Act 1951;
 - Animal Boarding Establishments Act 1963;
 - Riding Establishments Act 1964;
 - Breeding of Dogs Act 1973;
 - Zoo Licensing Act 1981;
 - Dangerous Wild Animals Act 1976;
 - Local Government (Miscellaneous Provisions) Act 1982;
 - Prevention of Damage by Pests Act 1949;
 - Environment Act 1995;
 - Dogs (Fouling of Land) Act 1996;
 - Housing Grants, Construction and Regeneration Act 1996;
 - Housing Act 1996;
 - Licensing Act 2003;
 - Housing Act 2004;
 - Gambling Act 2005;
 - Any subsequent legislation arising from Animal Welfare Bill
33. To determine applications for Housing Act advances for the acquisition, repair, conversion and improvement of dwellings.
34. To approve variations in the rate of interest payable on Housing Act advances.

35. To determine first stage representations from claimants in respect of housing benefits.
36. To determine applications for Housing Benefits.
37. To determine rent for Housing Benefit purposes, after consultation with the Head of Legal and Democratic Services as appropriate.
38. To apply for Grant of Letters of Administration and act as the Council's nominee (with the Head of Legal and Democratic Services) where the Council are creditors in the estate of a deceased person.
39. To determine, in consultation with the Head of Environmental Health and Housing, all fees payable in relation to hackney carriages, their drivers, private hire vehicles and their drivers and operators.
40. To pay salary awards except where the terms thereof involve the exercise of a discretion by the Council.
41. To pay gratuities assessed in accordance with the principles approved by the Council, subject to cases of long service being reported to the appropriate Member body.
42. To determine applications for loans under the Assisted Car Purchase Scheme and applications for the provision of cars with Council assistance.
43. To amend the interest rate for the Assisted Car Purchase Scheme in accordance with any future changes made and included in the Local Government Finance Report (England).
44. To approve the payment of insurance settlements for a personal accident claim in consultation with the relevant Head of Service and the Head of Human Resources and Organisational Development.
45. In consultation with the Head of Human Resources and Organisational Development, to waive the actuarial reduction on compassionate grounds in circumstances deemed appropriate, in accordance with Regulation 31 of the Local Government Pension Scheme Regulations 1997.
46. To pay any unspent payroll related budgets, on an opportunity basis, to the reduction of any deficit on the Pension Fund.
47. To make arrangements for the most advantageous timing, and phasing, of the payment of available Provisions for Credit Liabilities and Usable Capital Receipts into the Suffolk County Pension Fund, up to the approved limit, in consultation with the relevant Portfolio Holder.
48. To execute and administer treasury management decisions, in accordance with the Council's Treasury Management Policy Statement and Treasury Management Practices and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

49. To place any grant received through the Local Public Service Agreement initiative in a Community Development Reserve established for this purpose and to amend the Capital Programme to include the capital element of the grant.
50. To transfer any payments received under the Local Authority Business Growth Incentives scheme be placed in an Economic Development Reserve Account. The level and use of this reserve account be subject to further consideration by the Cabinet and, if required, full Council.
51. In consultation with the Portfolio Holder for Resources and Efficiency, and taking into account the required level of General Fund balances, to transfer excess interest earned over budget into an Interest Equalisation Reserve established for this purpose and, in order to minimise the impact of any adverse interest rate adjustments in the future, to transfer funds back from this Reserve into the interest budget, as required.

Head of Human Resources and Organisational Development

1. To act generally on all human resources issues, including representing the Council before external bodies.
2. In consultation with the relevant Head of Service, to approve the grading of all posts and changes to the staffing establishment within agreed budgets or when the additional expenditure is funded from specific grants or other earmarked external sources of funding so that there will be no additional costs borne by the Council.
3. Within existing budgets, policies and agreements, and in consultation with the relevant Head of Service to determine or approve matters relating to the terms, conditions or benefits of individual members of staff, including car allowances and minor changes to the scheme of relocation grants to secure the recruitment of key workers.
4. In accordance with approved policies and procedures, within approved budgets and in consultation with the Chief Officer, to establish temporary posts to respond to peaks in workloads, cover for long-term sickness and maternity leave for periods of up to one year.
5. To delete posts on grounds of compulsory redundancy, when it is in the financial interests of the Council and subject to consultation with appropriate unions.
6. Within the terms of "Voluntary Early Retirement – General Scheme" to approve applications for early retirement, with the agreement of the relevant Head of Service and Chief Finance Officer, subject to such applications being in the financial interest of the Council.
7. To amend Human Resources Policies in consultation with the Portfolio Holder and Trade Unions subject to being within agreed budget.
8. To implement alterations to conditions of service except where the terms thereof involve the exercise of a discretion by the Council.

9. To undertake consultations, negotiations and discussions with Trade Unions on strategic and policy matters.
10. To manage and operate the Job Evaluation Scheme, including appeals.
11. To approve, and renew, short term honorarium payments within existing budgets, following consultation with the relevant Head of Service.
12. To approve incremental advancement, in consultation with the Head of Service, if both are of the opinion that an Officer within the latter's section is deserving of an incremental award within the Officer's existing grade, even though such an award is not part of the Officer's original contract.
13. In respect of employees of the Authority, to act as the Council's Proper Officer in relation to the statutory provisions for criminal records and asylum and immigration.

Head of Legal and Democratic Services

(1) Legal Services

1. To act generally as the Solicitor to the Council and as the Monitoring Officer of the Council (under the terms of the Local Government and Housing Act 1989, Local Government Act 2000, Part 10 of the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011 and as defined in the Articles and Rules of Procedure of this Constitution) and to be responsible for legal advice provided to the Council.
2. To institute, prosecute, defend and appear in all actions, cases, matters and proceedings of whatsoever nature in any Court of Law and to act, as such, in all proceedings, in the Lands and other Tribunals, all manner of arbitrations and Ministerial Inquiries and to compromise any legal proceedings which have started.
3. To seek injunctive relief with respect to Pay Parties and to sub-delegate this power to qualified lawyers in the Legal Services Section in cases of urgency.
4. In the absence of delegation to the contrary, to execute documents on behalf of the Council.
5. Notwithstanding any other delegated authorities to specified officers elsewhere in this scheme, to authorise prosecutions and institute proceedings including the issue of a formal caution under any applicable statute, after consultation with the relevant Head of Service.
6. To open tenders and quotations and, provided the total cost is within the approved estimate and any cost guideline, accept, after such consultation as is considered necessary:-
 - (a) the lowest with respect to the purchase of goods and services;
 - (b) the highest with respect to the sale of interests in land.

7. To accept, after such consultation as is considered necessary, tenders and quotations for contracts which, following negotiation, have been revised so that the total cost of the contract is within the approved estimate for the purchase of the goods and/or services in question, provided that the tender or quotation would otherwise have met the requirements of the Council's Rules of Procedure.
8. To deal with requests for assistance towards litigation costs from other Councils and those made by this Council after consultation with the Chief Finance Officer and the relevant Head of Service.
9. To institute legal proceedings and take any other action necessary, under the Crime and Disorder Act, 1998.
10. To serve notices on business tenants and take any necessary action pursuant to the Landlord and Tenant Act 1954 to preserve the Council's position.
11. To institute proceedings for possession of land or property.
12. To institute proceedings for repossession of property in mortgage to the Council including the recovery of outstanding arrears.
13. As well as the Solicitor to determine, in accordance with National Guidelines and the Rehabilitation of Offenders Act 1974, which convictions (if any) of an applicant for:-
 - (a) a Hackney Carriage or Private Hire Driver's Licence;
 - (b) a Motor Salvage Operator's Registration; and
 - (c) licenses issued under the Licensing Act 2003.

Should be disregarded when determining such applications and which convictions (if any) should be removed from the record to be put before the relevant decision-making body.

14. To make a complaint to Magistrates for a Removal Order under Section 78 of the Criminal Justice and Public Order Act 1994.
15. To act for the protection of village greens and commons including the authorisation and institution of proceedings to protect village greens and commons.
16. To approve the terms and conditions of public works agreements in relation to highways, sewers and ancillary works.
17. To operate the Advance Payments Code in accordance with the Highways Service Agreement.
18. To make all Public Path Orders where, following the usual informal consultation, there are no unresolved objections; but that in the event of there being objections which cannot be resolved, applications for Public Path Orders be referred to the Licensing and Regulatory Committee for decision.

19. To confirm as unopposed all Public Path Orders subject to there being no unresolved objections following formal consultation and advertisement; but in the event of there being objections which remain unresolved, the orders be submitted to the Secretary of State for confirmation.
20. To make all Traffic Regulation Orders under the Traffic Regulation Acts and any other applicable legislation where, following appropriate consultations, there are no unresolved objections; but that in the event of there being objections which cannot be resolved, the proposal for the Traffic Regulation Orders be referred to the Licensing and Regulatory Committee for decision.
21. To make all Speed Limit Orders where no objection has been received.
22. To make all Cycle Track Orders where, following the usual consultation, there are no unresolved objections; but in the event of there being objections which remain unresolved, the Orders be submitted to the Secretary of State for decision.
23. To make observations on and objections to applications to the Traffic Commissioner in relation to Goods Vehicle Licensing.
24. To institute proceedings for the recovery of debts.
25. To approve terms and conditions of agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 regulating the development or use of land, in consultation with the Head of Planning and Economic Development.
26. To prepare and issue reports under Step 2 of the Council's complaints procedure and to reply to complaints referred to the Council by the Local Government Ombudsman.
27. To assume responsibility for general oversight of covert surveillance operations and be pro-active to ensure that reviews and cancellations are dealt with promptly.
28. To administer the procedures and exercise the Council's powers and responsibilities under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

(2) Democratic Services

1. To act generally as the Borough Secretary and as the Proper Officer of the Council, particularly in relation to the Council's decision-making processes and this Constitution, unless, in the case of the latter role, the Council has provided otherwise in specific cases, and to be responsible for advising the Council on its procedural and administrative affairs.
2. To negotiate and settle miscellaneous disputes not covered by any statutory or contractual procedure and where no insurance implication exists up to a limit of £500 after consultation with the Chief Finance Officer and the relevant Head of Service.

3. To approve attendance of Members serving on outside bodies as an approved duty where appropriate.
4. To approve, as an approved duty, after such consultation as considered necessary, attendance by Members at a meeting, provided that the meeting complies with The Local Government (Committees and Political Groups) Regulations 1990.
5. To record the Members appointed to Committees in accordance with the political group representation on the Council as required by the Local Government (Committees and Political Groups) Regulations 1990.
6. To approve, as an approved duty where appropriate, the attendance by Members at conferences, seminars or training courses.
7. To submit applications for planning permission, as well as the Head of Property Services.
8. When necessary, to appoint and re-appoint Members to serve on Committees, Sub-Committees, Working Parties, Panels and Review Groups (in accordance with the Political Balance Regulations and on the basis of the appropriate nominations of the political groups on the Council) and to convene meetings thereof.
9. On behalf of the Chief Executive, to deal with all matters concerning elections and electoral registration, (except the determination of electoral registration and election fees) and, prior to the adoption by the Council of draft or final recommendations/proposals, to deal with all matters concerning electoral, boundary and parish reviews.
10. To make Removal of Difficulty Orders pursuant to the Representation of the People Act, 1983 following consultation with the Borough Councillor(s) for that Ward.
11. To fix the level of fees chargeable under the provisions of the Local Government (Access to Information) Act 1985 (after consultation with the Chief Finance Officer).
12. To appoint and re-appoint Members to serve on the Mayoral Advisory Committee (in accordance with the Political Balance Regulations and on the basis of the appropriate nominations of the political groups on the Council) and to convene meetings thereof.
13. To appoint a Panel of 3 Councillors to advise on the appointment, and terms and conditions, of members of the Independent Remuneration Panel in accordance with the nominations of the leaders of political groups on the Council.
14. To seek candidates for the Independent Remuneration Panel and, in consultation with the Councillor Panel, to determine its terms and conditions and to make appointments thereto.

15. To refuse requests for parking permits in respect of the Great Churchyard, Bury St Edmunds.
16. To determine applications for the making of Traffic Orders under Section 21 of the Town Police Clauses Act, 1847 relating to the temporary closure of roads after such consultations as considered necessary.
17. The functions of determining applications for certificates of lawful existing and proposed uses or development, in accordance with the provisions of Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended).
18. To serve Listed Building Enforcement Notices, Urgent Repair Notices and Urgent Works Notices in respect of Listed Buildings, and Building Preservation Notices for unlisted buildings pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 after consultation with the Head of Planning and Regulatory Services.
19. To serve Enforcement Notices and, if the Head of Planning and Economic Development is satisfied that the Notice has been complied with, to withdraw such Notices.
20. To serve Discontinuance Notices relating to advertisements.
21. To make the following Orders after consultation with the Head of Planning and Economic Development where they are unopposed and compensation is not payable:-
 - (a) for the revocation or modification of Planning Permission.
 - (b) requiring the discontinuance of use or alterations or removal of buildings or works.
22. To authorise the issue of and to serve Stop Notices after such consultation as is considered necessary.
23. To issue and serve notices in respect of land the condition of which adversely affects the amenity of an area in accordance with the provisions of Section 215 of the Town and Country Planning Act 1990 (as amended).
24. To issue and serve completion notices in accordance with the provisions of Section 94 of the Town and Country Planning Act 1990 (as amended).
25. After consultation with the Head of Planning and Economic Development to make, vary, allow to lapse and/or revoke Tree Preservation Orders (including the making provisional orders under Section 201 of the Town and Country Planning Act 1990) and to confirm (with or without modification) unopposed Tree Preservation Orders (including, in each instance, the service of the necessary Notices).
26. To make and serve Notices that buildings have been added to, or deleted from, the List of Buildings of Special Architectural or Historical Interest by the Secretary of State, or that the Secretary of State has amended such listings.

27. To serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
28. Be authorised to, where appropriate, revoke or refuse to renew a Hackney Carriage or Private Hire Vehicle Licence following an unit vehicle notice in accordance with s.68 and s.60(1)(a) of the Local Government (Miscellaneous Provisions Act 1976.
29. The Head of Legal and Democratic Services, in consultation with the Chairman of the Democratic Renewal Panel, be given delegated authority to make minor amendments and additions to the Mayoralty Protocol as necessary.

Head of Leisure, Culture and Communities

1. In consultation with the relevant Portfolio Holder and the Chief Finance Officer, be authorised to review and amend the policy framework for the hiring of, and charging, catering and contracting at, the Council's public halls and ticket pricing for its arts programming (including the Bury St Edmunds Festival), within existing Financial and Contract Procedure Rules.
2. To use income from the Gershom Parkington Bequest for the acquisition of appropriate additions to, and the maintenance of, the museum collection after such consultation as he considers necessary.
3. To purchase exhibits in consultation with the Chief Finance Officer for the museums from provisions set up for the purpose.
4. To make arrangements for the provision of entertainments subject to any limitations imposed by the Cabinet and after consultation with relevant Heads of Service.
5. To dispose of items in accordance with Guideline 181 of the Museums and Galleries Registration Scheme for Museums in the United Kingdom.
6. To manage, maintain and control sports grounds, sports centres, parks, open spaces, cemeteries, disused churchyards and allotments.
7. To liaise with the Abbeycroft Leisure Trust, and in consultation with the Chief Finance Officer, in respect of the scale of charges for admission to the Leisure Centres and associated facilities necessary to achieve the Council's Corporate Leisure, Sport and Health Objectives.
8. To set and adjust, after consultation with the Chief Finance Officer, the charges for use of sports pitches in line with market forces and within the approved annual guide to the level of income.
9. To set and adjust, after consultation with the Chief Finance Officer, the scale of cemetery charges.

10. To set and adjust, after consultation with the Chief Finance Officer, the charges for tours and payments to guides in respect of the Bury St. Edmunds "Blue Badge" Guide Scheme.
11. To adjust fees, charges and hours of opening of the Council's Museums and related facilities, in consultation with the Chief Finance Officer.
12. To approve terms and conditions of loans and gifts of works of art and museum exhibits.
13. To amend stockholding levels in consultation with the Chief Finance Officer.
14. With regard to Play Schemes, subject to a report being submitted to the subsequent meeting of the Cabinet, the Head of Leisure be authorised:-
 - (i) to accept, in appropriate circumstances, tenders other than the lowest; and
 - (ii) by negotiation, to omit from a successful tender scheme discretionary items above the minimum specified and substitute other equipment, provided the submitted tender price is not exceeded.
15. To deal with day to day management of Shopmobility.

Head of Planning and Regulatory Services

(1) Regulatory

1. To facilitate reciprocal working arrangements between licensing enforcement officers from Borough/District Councils within Suffolk.
2. To approve, as appropriate, applications under the Grants Policy and decisions taken to be reported to the Grant Panel.
3. Pursuant to Sections 115 A-K of the Highways Act 1980 and in accordance with the Council's policy for trading and displays on the highways to determine applications and take other action under these provisions.
4. To operate the Council's policy for street vending (including street cafés) in Bury St Edmunds and Haverhill, including responsibility for the grant of permits and, in consultation with the Chief Finance Officer, for determining the annual increase in fees based upon reasonable administration costs.
5. To issue licences, registrations, exemptions, grant authorisations, permits and consents and provisional licences and statements and where appropriate, attach conditions, and vary, alter, amend, renew and authorise the transfer (as appropriate) of such licences, registrations, exemptions and approve Notices and consents pursuant to the following statutes:-

Game Act 1831;
Town Police Clauses Act 1847 and 89;
Health and Safety at Work, etc Act 1974;
Police, Factories & C (Miscellaneous Provisions) Act 1916;
Public Health Act 1936;
House to House Collections Act 1939;
Pet Animals Act 1951;
Caravan Sites and Control of Development Act 1960;
Animal Boarding Establishment Act 1963;
Scrap Metal Dealers Act 1964;
Riding Establishments Acts 1964 and 1970;
Breeding of Dogs Act 1991;
Dangerous Wild Animals Act 1976;
Zoo Licensing Act 1981;
Local Government (Miscellaneous Provisions) Act 1982;
Control of Pollution Act 1974;
Local Government (Miscellaneous Provisions) Act 1976;
Highways Act 1980;
Food Safety Act 1990 and Subordinate Regulations;
Environmental Protection Act 1990;
Clean Air Act 1993;
Noise and Statutory Nuisance Act 1993;
Environment Act 1995;
Dog (Fouling of land Act) 1996;
Housing Grants, Construction and Regeneration Act 1996;
Housing Act 1996;
Pollution Prevention and Control Act 1999;

Regulation of Investigatory Powers Act 2000;
Vehicles (Crime) Act 2001;
Licensing Act 2003;
Housing Act 2004;
Clean Neighbourhoods and Environmental Act 2005;
Gambling Act 2005;
Any subsequent legislation arising from the Animal Welfare Bill;
Food Hygiene (England) Regulations 2006;
The Official Feed and Food Controls (England) Regulations 2007; and
The Transmissible Encephalopathies (No 2) Regulations 2006.

All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

6. To authorise all suitably qualified Environmental Health staff to act on behalf of the Council and take appropriate action in respect of the following statutes and regulations made under those statutes, including inspection of premises, serving of Notices, Counter Notices and Orders:-

Public Health Act 1936;
National Assistance Act 1948;
Prevention of Damage by Pests Act 1949;
National Assistance (Amendment) Act 1951;
Pet Animals Act 1951;
Caravan Sites and Control of Development Act 1960;
Public Health Act 1961;
Animal Boarding Establishments Act 1963;
Officers Shops and Railway Premises Act 1963;

Riding Establishments Act 1964;
Scrap Metal Dealers Act 1964;
Riding Establishments Act 1970;
European Communities Act 1972;
Breeding of Dogs Act 1973;
Control of Pollution Act 1974;
Health and Safety at Work etc Act 1974 and all subordinate Regulations;
Dangerous Wild Animals Act 1976;
Local Government (Miscellaneous Provisions) Act 1976;
Refuse Disposal (Amenity) Act 1978;
Zoo Licensing Act 1981 (as amended);
Local Government (Miscellaneous Provisions) Act 1982;
Building Act 1984;
Public Health (Control of Disease) Act 1984;
Food and Environment Protection Act 1985;
Housing Act 1985;
Housing Grants, Development and Regeneration Act 1989;
Local Government and Housing Act 1989;
Environmental Protection Act 1990;
Food Safety Act 1990 (as amended) and all Subordinate Regulations;

Breeding of Dogs Act 1991;
Dangerous Dogs Act 1991
Water Industry Act 1991;
Clean Air Act 1993;
Noise and Statutory Nuisance Act 1993;
Radioactive Substances Act 1993;
Sunday Trading Act 1994;
Environment Act 1995;
Dogs (Fouling of Land) Act 1996;
Housing Act 1996;
Noise Act 1996;
Pollution Prevention and Control Act 1999;
Homelessness Act 2002;
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002;
Anti-social Behaviour Act 2003;
Licensing Act 2003;
Housing Act 2004;
Clean Neighbourhoods and Environmental Act 2005;
Gambling Act 2005;
Annual Welfare Act 2006;
Health Act 2006 Part 1; and
Health Protection (Local Authority Powers) Regulations 2010, Regulations 2, 3, 8, 9 and 10.

Products of Animal Origin (Third Country Imports) Regulations 2006 (as amended) Regulations 8, 9, 16, 23, 24, 25 & 26.
Products of Animal Origin (Import and Export) Regulations 1996 (as amended)
Official Feed and Food Control (England) Regulations 2006 & 2007 – Regulations 18, 28, 29, 30, 35 and 37.
Contaminants in Food (England) Regulations 2005 and 2007
Pollution Prevention and Control (England and Wales) Regulations 2000
Food Hygiene (England) Regulations 2006 – Regulation 6, 8, 9, 12, 13 and 14.

All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

7. To accept tenders and quotations and to authorise works, initiate action or to act pursuant to the functions of the Council pursuant to the following statutes:-

Town Police Clauses Act 1847 and 1849;
Public Health Act 1936;
Prevention of Damage by Pests Act 1949;
Public Health Act 1961;
Home Safety Act 1961;
Health and Safety at Work etc. Act 1974;
Dangerous Wild Animals Act 1976;

Local Government (Miscellaneous Provisions) Acts 1976 and 1982;
Building Act 1984;
Environment Protection Act 1990;
Environment Act 1995;
Dogs (Fouling of Land) Act 1996;
Housing Grants, Construction and Regeneration Act 1996;
Housing Act 1996;
Protection from Eviction Act 1977;
Dangerous Dogs Act 1991;
Pollution Prevention and Control Act 1991;
Homelessness Act 2002;
Anti Social Behaviour Act 2003;
Licensing Act 2003;
Housing Act 2004;
Clean Neighbourhoods and Environmental Act 2005; and
Gambling Act 2005.

All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

8. To approve or reject plans and specifications under the provisions of the Clean Air Acts 1993 and to grant exemptions.
9. To authorise the burial or cremation of bodies, to publish information and in conjunction with the Chief Finance Officer to authorise compensation payments under the provisions of the Public Health (Control of Disease) Act 1984.
10. To authorise the payment of contributions in the interest of promotion of safety in the home under the provisions of the Home Safety Act 1961.
11. To determine applications in respect of closet conversion works in accordance with Council policy.
12. To determine, after consultation with the Chief Finance Officer, charges for pest control services.
13. To make representations to the relevant Secretary of State, if he is satisfied that water being supplied for public consumption does not meet the appropriate criteria and the water undertaker has failed to carry out works to remedy the situation; the facts of the representations to be reported to the next meeting of the Licensing and Regulatory Committee.
14. To serve notice in respect of private drinking water supplies and to make arrangement for work in default to be carried out in accordance with the Water Act 1989 and its subordinate legislation where informal approaches have failed to secure the necessary improvements.
15. Subject to the approval of the Licensing and Regulatory Committee, and after such consultation as considered necessary, to make objections and

representations in respect of proposals relating to the discharge of effluent; the facts of the objection or representation to be reported to the next meeting of the Committee.

16. To determine applications for grants for works of improvement, repair, insulation and conversion including the imposition of appropriate conditions.
17. To recover grants in the event of breach of condition and reduction in liabilities for repayment of grants in cases of financial hardship after consultation with the Chief Finance Officer.
18. To make variations to the adopted amenity standards for houses in multiple occupation.
19. To accept quotations and authorise the execution of works in cases of default, after consultation with the Chief Finance Officer.
20. To maintain the Register of Common Lodging Housekeepers.
21. To maintain a public register of information as required by the Environmental Protection Act 1990 and the Pollution Prevention and Control Act 1999.
22. To carry out the Council's functions and duties with respect to overcrowding.
23. To approve statutory compensation to owners and occupiers of premises affected by unfit dwellings proposals and to authorise ex-gratia payments towards proved reasonable removal expenses not exceeding £750 per household.
24. To approve the making of Closing and Demolition Orders.
25. To determine Closing Orders or revoke Demolition Orders upon being satisfied that the works necessary have been carried out.
26. In relation to dwellings that are unfit and in need of repair to accept quotations and authorise the execution of works in cases of default, after consultation with the Chief Finance Officer.
27. To determine applications to use dwellings which are the subject of Closing Orders for uses other than human habitation.
28. To discharge the functions of the local authority under the Environmental Protection Act 1990 in relation to the control of dogs.
29. To approve applications for authorisations to relax specified standards of water quality following consultation with the Consultant in Communicable Disease Control and, where necessary, the relevant Secretary of State.
30. To issue cautions in appropriate circumstances after consultation with the Head of Legal and Democratic Services.

31. To authorise any person to accompany an Inspector on a visit to premises pursuant to S.20 (2)(c)(i) of the Health and Safety at Work Act 1974.
32. To authorise suitably qualified Environmental Health staff from another local authority to act on behalf of this Council in the event of a major emergency.
33. To revoke authorisations for Industrial Processes subject to Local Air Pollution Prevention Control in cases where it is appropriate due to a change in circumstances (the power to revoke authorisations in cases of serious breaches of authorisation conditions being retained by the Licensing and Regulatory Committee).
34. To exercise the powers and duties of the Council with respect to homelessness.
35. To appoint Consultant in Communicable Disease Control (CCDC) as Proper Officer.
36. To authorise CCDC and other nurses qualified to 'Agendas For Change band 7 and above' within the Norfolk, Suffolk and Cambridgeshire Health Protection Unit (NSCHPU) or any successor agency for Regulation 8 (1) and 8 (2) or the Health Protection (Local Authority Powers) Regulations 2010.
37. Suitably qualified Environmental Health and Technical Officers be appointed Proper Officers for the purpose only of exercising rights of entry under Sections 61 and 62 of the Public Health (Control of Diseases) Act 1984.
38. To nominate Members to attend each of the following annual conferences:-
 - Local Government Association (Environmental Health);
 - Chartered Institute of Environmental Health; and
 - Institute of Licensing.
39. To lead and co-ordinate in respect of all issues connected with unauthorised encampments, in consultation with the Head of Legal and Democratic Services and other Heads of Service as appropriate.
40. To exercise the Council's powers under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 as to the issue and the serving of a Notice of a Direction under Section 77 of that Act.
41. In consultation with the relevant Portfolio Holder, to adopt any Service Plans required by the Food Standards Agency and Health and Safety Commission, provided they are consistent with the Service Plans and budgets approved by the Council.
42. To make changes to the licence conditions for Hackney Carriages and Private Hire Vehicles in the light of changes to legislation and national guidance.
43. In respect of Hackney Carriage/Private Hire driver licences and operator licences applied for or granted under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act

1976, to suspend such drivers and operators in appropriate circumstances, either subject to the usual provisions for appeal, or, to suspend licensed drivers with immediate effect on the grounds of Public Safety under s.61 Local Government (Miscellaneous Provisions) Act 1976 as amended by the Road Safety Act 2006.

44. To make amendments to the standard conditions for all licences relating to consents for street trading and for licenses for house-to-house and street collections to ensure compliance with relevant local and national guidance, in consultation with the relevant Portfolio Holder(s).
45. Where appropriate, suspend consents for street trading in accordance with the terms of the consent.
46. In consultation with the Chief Finance Officer, to determine the annual increase in fees for Street Trading Consents based upon reasonable administration costs.
47. In consultation with the Leader, to issue an Order in accordance with Sections 14A(1) and 14A(2) of the Public Order Act 1986 (as amended by Section 70 of the Criminal Justice and Public Order Act 1994).
48. Be authorised to, where appropriate, suspend, revoke or refuse to renew a Hackney Carriage or Private Hire Vehicle Licence in accordance with s.68 and s.60(1)(a) of the Local Government (Miscellaneous Provisions Act 1976).
49. To exercise a power or duty of the Chief Executive Officer under Sections 40(i) and 41(i) of the Anti-Social Behaviour Act 2004.
50. To make a scheme for Taxi Sharing Services in accordance with the Transport Act 1985.
51. To authorise the Council's appointed Senior Licensing Enforcement Officer or Highways Technician to undertake any actions set out in Section 143 of the Highways Act 1980 specified by the Head of Environmental Health and Housing for that individual case.
52. To authorise proceedings under the legislation relating to Health and Safety at Work.
53. To appoint the Proper Officer for the purposes of Section 47 of the National Assistance Act 1948.
54. To determine applications for grants and loans for works of improvement, repair, insulation and conversion, including the imposition of appropriate conditions.

Housing Health and Safety Rating System: Enforcement Policy

1. In consultation with the Chief Finance Officer, to set the charges for the enforcement actions detailed below, except in the case of owner-occupiers in

receipt of means tested benefits, based on the hourly rates for the work involved.

2. Reasonable charges for the cost of enforcement will be made in accordance with Section 49 of the Housing Act 2004 in respect of the following actions:-
 - (i) serving an improvement notice under section 11 or 12 of the Act – (determining whether to serve the notice, identifying any action to be specified in the notice, and serving the notice);
 - (ii) making a prohibition order under section 20 or 21 of the Act – (determining whether to make the order, and serving copies of the order on persons as owners of premises);
 - (iii) serving a hazard awareness notice under section 28 or 29 – (determining whether to serve to notice, identifying any action to be specified in the notice, and serving the notice);
 - (iv) taking emergency remedial action under section 40 – (determining whether to take such action, and serving the notice required by section (7) of that section);
 - (v) making an emergency prohibition order under section 43 – (determining whether to make the order, and serving copies of the order on persons as owners of premises); and
 - (vi) Making a demolition order under section 265 of the Housing Act 1985 – (determining whether to make the order, and serving copies of the order on persons as owners of premises).

(2) Planning

1. To sign contracts pursuant to the Local Authorities (Goods and Services) Act 1970 or any other related or amending legislation.
2. The functions of determining the following classes of applications for planning permission and consent, notification and prior approval under the provisions of the Town and Country Planning Acts and associated legislation:-
 - 2.1 All outline and full applications relating to residential development not exceeding four dwellings.
 - 2.2 All submissions of details.
 - 2.3 Conversion of a single dwelling to form not more than three dwelling units.
 - 2.4 Minor amendments or variations to permissions and consents previously granted.
 - 2.5 Enlargement, alterations and additions to dwellings and other incidental development within the curtilage of a dwelling.
 - 2.6 Installation of underground petroleum storage tanks except in residential areas.
 - 2.7 Formation of a means of access to a highway in consultation with the Highway Authority.

- 2.8 Overhead electricity lines, excluding those of 33kv and over but including minor alterations to 33kv lines.
- 2.9 Subject to Development Control Committee Safeguard 1(a)(vi) in section 2 of this part of the Constitution, Location of equipment, apparatus (not exceeding a height of 15m above ground level other than on a building or other structure) and control structures by statutory undertakers and telecommunications code system operators. In the event that a member requires, in accordance with Development Control Committee Safeguard 1(b)(i) in section 2 of this part of the Constitution that an application be referred to the Development Control Committee for determination but a meeting is not available before the expiry of the time period at the end of which the Authority is deemed to have consented to the development, the Head of Planning and Economic Development to determine the application, in consultation with the Chairman of the Development Control Committee and the Local Ward Member(s).
- 2.10 Subject to Development Control Committee Safeguard 1(a)(v) in section 2 of this part of the Constitution Agricultural and forestry buildings and works. In the event that a member requires, in accordance with Development Control Committee Safeguard 1(b)(i) in section 2 of this part of the Constitution that an application be referred to the Development Control Committee for determination but a meeting is not available before the expiry of the time period at the end of which the Authority is deemed to have consented to the development, Head of Planning and Economic Development to determine the application, in consultation with the Chairman of the Development Control Committee and the Local Ward Member(s).
- 2.11 Outline applications and full applications for the erection of, or extension, enlargements, or other alterations to, commercial, retail or industrial buildings within a site having an established use, or zoned for such use in the Development Plan, providing that the approved policies and statements of the Local Planning Authority can be properly complied with.
- 2.12 Display of advertisements under the Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended).
- 2.13 Applications for the renewal of permissions and consents. Where applicable the officers to take into account the manner in which the lapsed consents have been used.
- 2.14 Minor changes of use of land or buildings.
- 2.15 Alterations and minor demolitions of listed buildings and minor demolition related to approved alterations.
- 2.16 Consent to demolish any minor buildings in Conservation Areas pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 which are not listed buildings.

- 2.17 Minor applications for development under Regulations 3 or 4 of Town and Country Planning General Regulations 1992 (including applications made by the County Council).
- 2.18 Applications for temporary permission for the stationing of caravans and mobile homes and minor works in relation to a caravan or a mobile home.
- 2.19 Minor proposals for development by Government Departments notified under the provision of circular 18/84 and other proposal notified under the Special Urgency Procedure.
- 2.20 Notifications under Article 3(2) of General Development Procedure Order 1995.
- 2.21 Consent under Tree Preservation Orders to the felling, topping or lopping of trees (including applications made by the Borough Council) and Notices under the Town and Country Planning Act, 1990 in respect of trees in Conservation Areas (including authorising works to such trees on land in the Borough Council's ownership).
- 2.22 Referral to the Secretary of State of minor applications for Listed Building and Conservation Area Consent submitted by the Borough Council.
- 2.23 To determine and notify the validity of claims for Deemed Hazardous Substances Consent and to determine applications for Hazardous Substances Consent in accordance with the Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major Accident Hazards) Regulations 1999, or any subsequent Regulations made under the Planning (Hazardous Substances) Act 1990.
- 3. The issue of all notices including reasons for refusal and imposition of conditions in respect of planning, listed building, conservation area, tree preservation orders, advertisement applications and trees in conservation area notifications, and applications for prior approval under the provisions of the Town and Country Planning (General Permitted Development) Orders.
- 4. To issue decision notices under the Building Regulations and Building Acts and to serve notices in respect of contraventions of the Regulations and with respect to dangerous structures and demolitions under the Building Act.
- 5. Authority to make representations in respect of minor planning applications for County Council development for which that authority are able to grant planning permission pursuant to the Town and Country Planning General Regulations 1992 and minor County Matters.
- 6. To formulate conditions and reasons for refusal, the substance of which has been determined by the Development Control Committee.
- 7. To make representations to other Authorities concerning planning applications within that Authority's area.

8. To determine applications relating to the demolition of dwellings and buildings adjoining dwellings (not within 2.15 and 2.16 above).
9. To serve planning contravention notices in appropriate cases.
10. To make representations following consultation in respect of minor alterations to ecclesiastical buildings exempt from Listed Building legislation.
11. To charge and review the charges for the provision of ordnance survey plans for use in Planning and Building Regulation applications.
12. To serve Directions and Notices under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 and to confirm such Directions if no objections are received within the statutory consultation period.
13. To determine notices for the removal of hedgerows under the Hedgerows Regulations 1997.
14. To select an independent "third surveyor" to settle disputes under the terms of the Party Walls etc. Act 1996.
15. To require the submission of an Environmental Assessment under Regulation 9 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1999.
16. To give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
17. To issue and serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended) in consultation with the Head of Legal and Democratic Services and the Chairman of the Development Control Committee and, in each of such cases, to report the facts to the next appropriate meeting of the Development Control Committee.
18. In respect of Building Control charges, to:-
 - (a) decide not to levy a plan inspection charge; and
 - (b) approve any proposal for the stage payment of chargesprovided a written record is made of such decision.
19. In consultation with the Chief Finance Officer, to set and vary Building Regulation charges.
20. In consultation with the Chief Finance Officer, to determine charges for copying of land use planning documents at a level which is unlikely to inhibit public access to information; and subject to copyright rules relating to plans (which permit their copying only to allow them to be inspected at a more convenient location and which require that fact to be indicated on the plans).

21. To make representations to the Secretary of State in respect of all planning appeals conducted by exchange of written representations and by a hearing, including those under the provisions of the Town and Country Planning (Appeals) (Written Representation Procedure)(England) Regulations 2000, the Town and Country Planning (Hearings Procedure) (England) Rules 2000 and other relevant legislation/regulations (for appeals against the refusal of permission or consent and against an enforcement notice).
22. To give evidence at all planning inquiries, including those conducted under the provisions of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure)(England) Rules 2000 (appeals against the refusal of permission or consent or in respect of applications called in by the Secretary of State) and the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1992 (appeals against enforcement notices).
23. To authorise entry to land in accordance with the provisions of Section 196A and Section 324 of the Town and Country Planning Act 1990 (as amended), Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 36 of the Hazardous Substances Act 1990 (in connection with the determination of any application and the service of notices).
24. To compile and maintain a list of contractors willing to provide a call-out service to carry out emergency works to dangerous buildings.
25. Instruct a contractor on the approved list to carry out all necessary action under Section 78 of the Building Act 1984 concerning emergency measures to deal with dangerous buildings and structures.
26. To prepare, maintain and publish a Brownfield Sites Register.
27. Provided that the creation of the new Conservation Area is identified in the Local Plan, or the principle has been agreed by the Cabinet, to conduct reviews of Conservation Areas (including local consultations) and to designate new, or vary existing, Conservation Areas, in consultation with the local Ward Member(s) and the relevant Portfolio Holder.
28. Following a review by the authorised decision taker, to make variations to Conservation Area Designations, and to serve Notices to that effect, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
29. To identify planning applications for referral to the Design Panel
30. To approve the siting of Post Office and British Telecommunications equipment and appliances.
31. In consultation with the Chief Finance Officer, the relevant Portfolio Holder and the Local Ward Member(s), and within an identifiable approved policy, programme or schedule, to implement small capital schemes up to £50,000,

- the funding of which is within a relevant approved budget (not requiring virement).
32. To approve, in accordance with the Council's policy, the provision of signs requested by facility providers.
 33. To approve signing, including tourist signing, and, in consultation with the Chief Finance Officer, to set the fee or scale of charges for the provision of specifically requested signs, including tourist signs.
 34. To carry out reviews and to make Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, in consultation with the Local Ward Member(s) and the relevant Portfolio Holder.
 35. To carry out reviews, compile and approve Lists of Buildings of Local Architectural or Historic Significance, in consultation with the Local Ward Member(s) and the relevant Portfolio Holder.
 36. To make, following consultation with the Head of Environmental Health and Housing, objections on behalf of the Council in respect of applications for Goods Vehicle Operators' Licences; the facts of any objection being reported to the next convenient meeting of the Development Control Committee.
 37. To make representations to the appropriate Government Department as to the method of determining planning appeals (i.e. by Local Inquiry, Hearing or Written Representations).
 38. In respect of Part 8 of the Anti-Social Behaviour Act 2003 with reference to High Hedges:-
 - (i) in consultation with the Portfolio Holder and Chief Finance Officer, review and set the fees to be charged;
 - (ii) to serve High Hedge enforcement notices where determinations have not been complied with;
 - (iii) to enter land in the course of dealing with complaints, appeals and enforcement;
 - (iv) to prepare and deliver the Council's case where an appeal against a determination has been lodged; and
 - (v) to determine a complaint and to issue a decision.
 39. To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990 (as amended);
 40. To serve Requisition of Information Notices under Section 330, Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;

41. To deal with applications for the felling of Trees in Conservation Areas under Section 211 of the Town and Country Planning Act 1990 where objections are received and the timetable for reporting the matter to the Development Control Committee or the Development Control Committee site visit meeting prevent them being determined by the Committee within the statutory 6 week period;
42. To issue certificates under Section 191 or 192 of the Town and Country Planning Act 1990 (as amended), after consultation with the Head of Legal and Democratic Services;
43. To issue Enforcement Notices under Sections 172 and 215 (Untidy Gardens) of the Town and Country Planning Act 1990 (as amended) where previously authorised by the Development Control Committee and after consultation with the Head of Legal and Democratic Services;
44. To serve temporary stop notices under Sections 171E to 171H of the Town and Country Planning Act 1990 (as amended), and in consultation with the Head of Legal and Democratic Services;
45. To determine the termination of investigative action in cases where it is appropriate not to pursue enforcement action, in consultation with the Head of Legal and Democratic Services;
46. To authorise enforcement action under Part 8, Section 74 of the Anti-social Behaviour Act 2003 (High Hedges) (following determination of complaints under the same powers), in consultation with the Head of Legal and Democratic Services; and
47. To take prosecution action under Part II Sections 3 and 4 and of the Clean Neighbourhoods Act 2005 to pursue action against the exposure of vehicles for sale on the highway and the repair of vehicles on the road.
48. Subject to there being no financial costs to the Borough Council, to enter into negotiations with Suffolk County Council to let a contract or contracts for enhanced bus services arising from the payment of developer contributions.
49. To authorise increases in discretionary fees for Local Land Charges in consultation with the Chief Finance Officer.

Head of Housing

1. To take leases from individuals for use as temporary accommodation on terms agreed by the Head of Property and Engineering Services.
2. To assess which affordable housing schemes in receipt of Grant from St Edmundsbury Borough Council need to be financially appraised by Internal Audit.
3. In consultation with the Portfolio Holder to authorise work with Registered Social Landlords outside of the partnership list, or where Registered Social

landlords are offering value for money schemes that do not require grant funding.

4. To nominate Members to attend each of the following annual conferences:-

Chartered Institute of Housing (National);
Chartered Institute of Housing (Regional);
Local Government Association (Housing);

Head of Economic Development and Growth

1. Award grants in accordance with the Council's Environmental Grant Scheme after appropriate consultation;
2. Approve applications for grant from the Redundant Building Conversion Grant Scheme following appropriate consultation;
3. Determine the use of Town Centre Management funding;
4. To administer the Rural Initiatives Fund in accordance with the agreed procedure; and
5. To administer the Local Authority Business Growth Incentives (LABGI) Scheme in accordance with the agreed procedure.

Head of Waste, Street Scene, Property and Grounds Maintenance

1. To give advice to client departments on the purchase of vehicles and plant.
2. To purchase vehicles and plant from the Vehicles and Plant Renewals Provision up to a maximum of £150,000 per item.
3. To sign contracts pursuant to the Local Authorities (Goods and Services) Act 1970 or any other related or amending legislation.
4. To manage the Council's refuse and litter and public cleansing service.
5. To determine, after consultation with the Chief Finance Officer, an appropriate scale of charges for trade refuse to reflect the actual average costs of collection, disposal and administration.
6. To serve Litter Abatement Notices and Street Litter Control Notices, in appropriate cases, under Section 92 of the Environmental Protection Act 1990.
7. To determine an appropriate level of recycling credit to reflect the actual saving on waste collection and waste disposal and average costs of administration.
8. To serve fixed penalty notices under Section 88 of the Environmental Protection Act 1990.

9. To negotiate, in consultation with the Chief Finance Officer, charges for materials collected at the recycling centres.
10. In consultation with the Chief Finance Officer, to set the charges for replacement wheeled bins based on the purchase price at the time of replacement in respect of the arrangements set out in Paper P481.
11. To exercise the Council's functions and duties pursuant to the Refuse Disposal (Amenity) Act 1978; including the service of Notices relating to the removal of abandoned vehicles.
12. To serve a graffiti removal notice upon any person responsible for a defaced surface requiring the defacement to be removed, under Section 49 of the Anti Social Behaviour Bill.
13. To recover from the person on whom a graffiti removal notice was served expenditure reasonably incurred in exercising the remedying of the defacement.
14. That the litter authority impose fixed penalties of £50.00 on those responsible for a relevant offence falling under Section 132 of the Highways Act 1980 or Section 224(3) of the Town and Country Planning Act 1990.
15. In consultation with the Chief Finance Officer, to set and review the fee to be paid to a private contractor for the collection of abandoned vehicles.
16. To charge the sum for the removal, storage and disposal of abandoned vehicles, as prescribed by the appropriate Regulations where the owner of a vehicle is known.
17. The costs of supplying sacks and the charge for emptying a bin be reviewed on an annual basis by the Head of Waste, Street Scene Services and Projects and the Chief Finance Officer.
18. Under Section 46 of the Environmental Protection Act 1990, enforcement action be taken by the Head of Waste, Street Scene, Property and Grounds Maintenance against householders who repeatedly contaminate their blue bin.
19. To approve expenditure from a building repairs reserve working balance (if any) for urgent repair work after consultation with the Chief Finance Officer.
20. The Head of Property and Engineering Services to submit applications for planning permission, as well as the Head of Legal and Democratic Services and Corporate Property Officer.
21. To approve as Estate Owner designs and site layouts of residential and industrial proposals on development land.
22. To deal with the day to day management of the Council's Markets, within the Council's market regulations, byelaws and business plan.

23. To manage the Council's markets, including the grant of licences and permissions to trade and, after consultation with the Portfolio Holder and Chief Finance Officer, to determine the charges to be levied.
24. To deal with day to day management of the Council's Car Parks including enforcement of the traffic orders and, after consultation with the Portfolio Holder and Chief Finance Officer, to determine all parking fees and excess charges to be levied.
25. To set the annual level of charge for residents' parking permits for those householders where a charge is levied, in consultation with the Chief Finance Officer and the Local Ward Member(s).
26. To deal with the day to day management of the Bus Station (subject to the Head of Economic Development's operational responsibilities relating to buses and the provision of an information service to members of the public, CCTV and any sewerage and land drainage facilities for which the Council is responsible.
27. To carry out all consultations in relation to the naming and renaming of streets and public buildings.
28. To name and rename streets and public buildings where no objection has been communicated.
29. To review, in consultation with the Chief Finance Officer, the service charge relating to the CCTV system, on an annual basis, to reflect the actual cost of providing the control room service.
30. To approve the temporary restrictions of traffic or closure of highways and the making of the necessary orders and to sign notices required to implement such restrictions as a matter of urgency.
31. To authorise entry on land for works pursuant to the Land Drainage Act 1976.
32. To carry out all consultations in relation to Traffic Regulation Orders and speed limit orders.
33. To issue permits in relation to Traffic Regulation Orders.

Delegation to Specified Officers

In the absence of the officers specified, the following officers (i.e. those shown in italics) are authorised to exercise the delegated authorities contained in this scheme:-

Heads of Service

In the absence of a Head of Service a Director will, in the first instance, exercise the delegated authority with the following exceptions:-

(1) Chief Finance Officer

The Deputy Finance Officer to be responsible for the administration of the financial affairs of the Council pursuant to Section 151 of the Local Government Act 1972 and to act generally as the Council's Chief Finance Officer under the terms of the Local Government Act 1988.

(2) Head of Legal and Democratic Services

The Solicitor to be responsible for the general power at act as Solicitor to the Council and Monitoring Officer and, if applicable, any other powers requiring a suitable legal qualification.