

Scheme of Delegation to Officers

Assistant Director (Human Resources, Legal and Democratic Services)

(a) Assistant Director (Human Resources, Legal and Democratic Services)

1. To act generally on all human resources issues, including representing the Council before external bodies.
2. In consultation with the relevant Assistant Director, 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 Assistant Director 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 relevant Assistant Director, to establish temporary posts to respond to peaks in workloads, cover for long-term sickness and maternity leave for periods of up to two years.
5. To delete posts on grounds of compulsory redundancy, when it is in the financial interests of the Council and/or where a post is redundant as defined in the Employment Rights Act 1996, 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 Assistant Director and Chief Finance Officer, subject to such applications being in the financial interest of the Council.
7. To amend Human Resources Policies to incorporate statutory requirements and as recommended in ACAS Codes of Practice 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 and where applicable Joint Staff Consultative panel 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 Assistant Director.
12. To approve incremental advancement in accordance with the Council's PDR scheme or on the basis of sound conclusion that an incremental award is appropriate within existing policies and with consultation with the Assistant Director.
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.
14. To pay salary awards except where the terms thereof involve the exercise of a discretion by the Council.

(b) Specified Officers

1. Service Manager (Health and Safety)

1. To implement any recommendations of the West Suffolk Joint Health and Safety Panel in respect of amendments and additions to Part 5 (Arrangements) of the Joint Health and Safety Policy.

2. Service Manager (Shared Legal)

1. To act generally as the senior Lawyer to the Council and to be responsible for legal advice provided to the Council.
2. To institute, prosecute, defend arrange for representation 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 Legal Services in cases of urgency.
4. Authority to make, execute or attest all documents, deeds, contracts, instruments and notices for or on behalf of the Council in the absence of delegation to the contrary or in circumstances where the Officer to whom specific delegation has been given is absent or otherwise unavailable or unable to act.

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 Assistant Director.
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 Contract Procedure Rules.
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 Assistant Director.
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. 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) licences 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 negotiate and settle miscellaneous disputes not covered by any statutory or contractual procedure and where no insurance implication exists up to a limit of £50,000 after consultation with the Chief Finance Officer and the relevant Assistant Director and the relevant Portfolio Holder.
16. To act for the protection of village greens and commons including the authorisation and institution of proceedings to protect village greens and commons.
17. To make all Public Path Orders where, following the usual informal consultation, there are no unresolved objections. In the event of there being objections which cannot be resolved, applications for Public Path Orders are to be referred to the Licensing and Regulatory Committee for decision.
18. To confirm as unopposed all Public Path Orders subject to there being no unresolved objections following formal consultation and advertisement. In the event of there being objections which remain unresolved, the orders shall be submitted to the Secretary of State for confirmation.
19. 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. In the event of there being objections which cannot be resolved, the proposal for the Traffic Regulation Orders shall be referred to the Licensing and Regulatory Committee for decision.
20. To make observations on and objections to applications to the Traffic Commissioner in relation to Goods Vehicle Licensing.
21. To institute proceedings for the recovery of debts.
22. 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 Regulatory.

23. 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.
24. To assume responsibility for general oversight of covert surveillance operations and be pro-active to ensure that reviews and cancellations are dealt with promptly.
25. 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.
26. 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).
27. To discharge the relevant duties under the Localism Act 2011 relating to the Assets of Community Value (England) Regulations 2012.
28. 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 Assistant Director.
29. 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 with the Assistant Director (Operations).
30. 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).
31. 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.
32. To serve Enforcement Notices and, if the Head of Planning and Regulatory is satisfied that the Notice has been complied with, to withdraw such Notices.
33. To serve Discontinuance Notices relating to advertisements.

34. To make the following Orders after consultation with the Head of Planning and Regulatory 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.
35. To authorise the issue of and to serve Stop Notices after such consultation as is considered necessary.
36. 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).
37. To issue and serve Completion Notices in accordance with the provisions of Section 94 of the Town and Country Planning Act 1990 (as amended).
38. After consultation with the Head of Planning and Regulatory 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).
39. 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.
40. 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.
41. 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).

3. Lawyers

1. All Lawyers in the Legal Team to appear in any action, case, matter or proceedings as an advocate for the Council (so far as the Rights of Audience will allow) and any Trainee Solicitor to represent the Council in the County Court in respect of

interlocutory applications and small claims procedure and in the Magistrates' Court in respect of prosecutions resulting from contraventions of the Parking Places Orders and other procedural matters as required by the Service Manager (Shared Legal).

2. As well as the Service Manager (Shared Legal), all Lawyers to decide which convictions (if any) of an applicant for a hackney carriage, private hire driver's licence, a motor salvage operator's registration or Licences issued under the Licensing Act 2003, should be removed from the record to be put before the relevant decision-making body.

4. Service Manager (Democratic Services and Monitoring Officer)

1. To act 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 generally 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 approve attendance of Members serving on Outside Bodies as an approved duty where appropriate.
3. 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.
4. 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.
5. 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.
6. 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.

7. To appoint a Joint Panel of four 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.
8. 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.
9. In consultation with the Chairman of the Democratic Renewal Working Party, to make minor amendments and additions to the Mayoralty Protocol as necessary from time to time.

5. Elections Manager

1. On behalf of the Chief Executive (or any other person appointed as Returning Officer or Acting Returning Officer), 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.
2. 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.