Part 3

Responsibility for Functions

Responsibility for Functions

Contents

	Page
Section 1	
Local Choice Functions	3.3
Section 2	
Council Functions	3.6
Section 3	
Executive Functions	3.7
Section 4	
Overview and Scrutiny	3.14
Section 5	
Policy Documents	3.18
Section 6	
Scheme of Delegations	3.20

Section 1

Local Choice Functions

Function	Decision Making Body	Membership	Delegation of Functions
1 Any function under a Local Act other than a function specified or referred to in regulation 2 or schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto	Council	All Members	See Section 6 Scheme of Delegation (Council Functions)
2 The determination of an appeal against any decision made by or on behalf of the authority	(a) The Public Appeals Committee (b) The Employee Appeals Committee	(a) All Members of the Committee (b) All Members of the Committee	See Part 2, Article 8 (Regulatory and other Committees)
3 The appointment of review boards under regulations under sub section (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Council	All Members	
4 The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999	(a) Council, and; (b) Scrutiny Committees	All Members 10 members	See Part 2, Article 6 and Part 3, Section 4 (Overview and Scrutiny)

Function		Decision Making Body	Membership	Delegation of Functions
5	Any function relating to contaminated land	Council	All Members	See Section 6 Scheme of Delegation (Council Functions)
6	The discharge of any function relating to the control of pollution or management of air quality	Council	All Members	See Section 6 Scheme of Delegation (Council Functions)
7	The service of an abatement notice in respect of a statutory nuisance	Council	All Members	See Section 6 Scheme of Delegation (Council Functions)
8	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Council	All Members	
9	The inspection of the Authority's area to detect any statutory nuisance	Council	All Members	See Section 6 Scheme of Delegation (Council Functions)
10	The investigation of any complaint as to the existence of a statutory nuisance	Council	All Members	See Section 6 Scheme of Delegation (Council Functions)
11	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Planning Committee (except in relation to Executive functions)	All Members of the Committee	See Section 6 Scheme of Delegation (Council Functions)

Function	Decision Making Body	Membership	Delegation of Functions
12 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Planning Committee (except in relation to Executive functions)	All Members of the Committee	See Section 6 Scheme of Delegation (Council Functions)
13 The making of agreements for the execution of highway works	Council	All Members	See Section 6 Scheme of Delegation (Council Functions)
14 The appointment of any individual:- (a) to any office other than an office in which they are employed by the Authority; (b) to any body other than (i) the Authority; (ii) a joint Committee of two or more Authorities; or (c) to any Committee or Sub-Committee of such a body and the revocation of any such appointment.	Council	All Members	

Section 2

Council Functions

Committee	Membership	Functions	Delegation of Functions
Planning Committee	11 Members of the authority	See Part 2, Article 8.1	See Section 6 Scheme of Delegation (Council Functions)
Standards Committee	5 Members of the Council	See Part 2, Article 9.1	
Employee Appeals Committee	5 Members of the Authority	See Part 2, Article 8.2	
Licensing Committee	10 Members of the Authority	See Part 2, Article 8.3	
Audit and Accounts Committee	6 Members of the Authority	See Part 2, Article 8.4	

Section 3

Executive Functions

Who is responsible	Membership	Functions	Onward limits on delegations
The Executive	The Leader and Cabinet	All Executive functions	(a) No function to be exercised by an individual Member of the Executive except where specifically permitted by the provisions of the Constitution (b) No function shall be delegated to a Committee or Sub- Committee of the Executive or the executive of another Local Authority (c) No key decisions to be delegated to an officer (d) Virement of resources in excess of £10,000 not to be delegated to an officer (e) The Leader must maintain a list of Executive functions delegated to officers in Section 6 (See Executive Scheme of Delegation to Officers)

Cabinet Offices

The Council has determined the following Cabinet offices with the Portfolios set out below:

Deputy Leader

Town Centre Regeneration

Cabinet Member for Resources

Portfolio

(a) The Council's overall resources including finance, staffing, property, land and their allocation to achieve implementation of the Council's policies.

(b) The annual budget and capital programme and the manner in which they are to be financed.

(c) The monitoring of income, expenditure and commitments.

(d) Members allowances.

(e) The Mayoralty and Civic Matters.

(f) The Council's public relations.

(g) Employment, Training and Industrial Relations Matters including liaison with employee representatives.

(h) Emergency Planning.

(i) Electoral matters.

(j) The Council's Constitution including the Procedure Rules.

(k) The management, direction and operation of the Chief Executive's Office, Strategic Management, Transformation and Assurance, Law and Governance, Financial Services, Human Resources and Technology Functions and Public Buildings.

(l) Cross cutting issues and overarching policies

(m) To respond to external consultation on matters that affect any of the Council's services for which they are responsible.

(n) The Saltings site

(o) Any other functions of the Council not within the terms of reference of any other portfolio.

Cabinet Member for Environment

Portfolio

(a) Environmental Health and Public Protection.

(b) The Council's statutory functions in respect of health and safety at work and the trading hours of retail outlets.

(c) The client function of the refuse collection service, grounds maintenance and street cleansing service.

(d) Abandoned vehicles.

(e) Licensing and registration.

(f) The proper provision for the disposal of the dead.

(g) Parks and open spaces.

(h) Streetscene.

(i) Public conveniences.

(j) The management direction and operation of the Environmental Services and Drainage functions.

(k) The Council's Crematorium and Cemeteries.

(l) Food safety.

(m) Pollution control in relation to air, land and water.

(n) To respond to external consultation on matters that affect any of the Council's services for which they are responsible.

(o) All matters relating to private sector housing:-

(i) Standards/unfitness/disrepair;

(ii) Houses in multiple occupation (HMO);

(iii) Unlawful eviction and harassment;

(iv) Private Sector Assistance;

(v) Caravan sites;

(vi) Energy conservation in housing.

(vii) Empty Homes

(p) Building Regulations

(q) Off-Street parking

(r) The Council's markets and their operation

Cabinet Member for Climate Action and Nature Recovery

Portfolio

(a) Climate Change and the promotion of carbon neutral activities across the Borough

(b) Work in partnership with Government, Elected Bodies and Elected Members, Partners, Residents and Businesses across the Borough to take action that contributes to carbon neutrality and sustainable development within communities and across the natural environment

(c) Working in partnership to support and encourage the eradication of single use plastics (as per the council motion agreed in 2019)

(d) Climate Change Mitigation and Adaptation

(e) Carbon reduction from council activities

(f) Staffordshire Sustainability Vision and Base Pledge

(g) Sustainability and environmental issues

(h) Energy conservation

(i) To respond to external consultation on matters that affect any of the council services for which they are responsible.

Cabinet Member for Community

Portfolio

(a) Ensuring that the housing needs of the Borough in both the public and private sector are met.

(b) Homelessness.

(c) Community Initiatives

(d) The Glover Street site.

(e) The management direction and operation of the Housing Strategic Function.

(f) Grant Aid

(g) Community Safety.

(h) Management and direction of the Community function.

(i) Health and its promotion together with safety education (excluding road traffic matters)

(j) To respond to external consultation on matters that affect any of the Council's services for which they are responsible.

(k) Powers and duties derived from the Anti-Social Behaviour, Crime and Policing Act 2014

(l) The monitoring and maintenance of the CCTV system.

Cabinet Member for Leisure

Portfolio

(a) Leisure, recreation, cultural, heritage and related matters.

(b) The promotion and management of the Council's heritage and cultural facilities.

(c) The client function of the Sports and Leisure and Catering contracts.

(d) The management direction and operation of the Leisure function.

(e) To respond to external consultations on matters that affect any of the Council's services for which they are responsible.

Cabinet Member for Economic Development and Planning

Portfolio

(a) Economic Development.

(b) The Town Centres in the Borough.

(c) The town and country planning, listed building and conservation functions of the Council (including determination of fees but excluding determination of applications

(d) Highways and Transportation.

(e) Tourism

(f) The management, direction and operation of the Economic Development and Planning functions.

(g) Tree Preservation Orders.

(h) To respond to external consultation on matters that affect any of the Council's services for which they are responsible.

(i) Designation of the Neighbourhood Boundary Area and approval of Neighbourhood Forums for producing Neighbourhood Plans.

(j) Confirmation that the Neighbourhood Plan is in line with the Stafford Borough Local Plan and the National Planning Policy Framework and can proceed to the examination stage.

Section 4

Overview and Scrutiny

The Council has appointed the Scrutiny Committees with the terms of reference set out below.

Each scrutiny committee shall have 10 members. The Community Wellbeing Scrutiny Committee shall have one Member from Staffordshire County Council.

Resources Scrutiny Committee

Terms of Reference

(a) The Council's overall resources including finance, staffing, property, land and their allocation to achieve implementation of the Council's policies.

(b) The annual budget and capital programme and the manner in which they are to be financed.

(c) The monitoring of income, expenditure and commitments.

(d) The Performance management of services within the scrutiny committee's remit.

(e) Members allowances.

(f) The Mayoralty and Civic Matters.

(g) The Council's public relations.

(h) Employment, Training and Industrial Relations Matters including liaison with employee representatives.

(i) Emergency Planning.

(j) Electoral matters.

(k) The Council's Constitution including the Procedure Rules.

(l) The management, direction and operation of the Chief Executive's Office, Policy and Improvement, Law and Administration, Financial Services, Human Resources and Technology functions.

(m) Management of the Council's non-operational land.

(n) Matters relating to the Council's relationships with other public agencies and organisations with which the Council enters into partnerships or other working arrangements for the better governance of Stafford Borough.

(o) Matters relating to the Council's major contracted services including the Waste Contract and Leisure Partnership, once the final decision have been made in respect of future providers.

(p) The client function of the refuse collection service.

(q) Leisure, recreation, tourism, cultural, heritage and related matters, once the final decision have been made in respect of future providers

(r) The promotion of the Council's tourism, heritage and cultural facilities, once the final decision have been made in respect of future providers

(s) Any other functions of the Council not within the terms of reference of any other Scrutiny Committee.

(t) To respond to external consultation on matters within its terms of reference relating to the provision by an external organisation of services to the community which do not affect or directly relate to the Council's functions or services. Where a response is urgent the Chairman of the Committee in consultation with the appropriate Cabinet Member may respond.

Economic Development and Planning Scrutiny Committee

Terms of reference

(a) The administration and determination of applications to the Council for Grant Aid.

(b) The town and country planning, building regulation, listed building and conservation functions of the Council (including determination of fees but excluding determination of applications).

(c) Off Street Parking.

(d) Tree Preservation Orders.

(e) The Council's markets and their operation.

(f) Economic Development.

(g) Strategic Housing Provision

(h) The Town Centres in the Borough.

(i) Highways and Transportation.

(j) Stafford Borough Local Plan.

(k) Neighbourhood Plans

(l) The Performance management of services within the scrutiny committee's remit.

(m) To respond to external consultation on matters within its terms of reference relating to the provision by an external organisation of services to the community which do not affect or directly relate to the Council's functions or services. Where a response is urgent the Chairman of the Committee in consultation with the appropriate Cabinet Member may respond.

Community Wellbeing Scrutiny Committee

Terms of Reference

(a) The Council's statutory functions in respect of health and safety at work and the trading hours of retail outlets.

(b) Street Cleansing and Grounds Maintenance Standards.

(c) Abandoned vehicles.

(d) Licensing and registration.

(e) The Council's Crematorium and Cemeteries.

(f) Public conveniences.

(g) Sustainability and general environmental issues (excluding development control) and energy conservation.

(h) Pollution control.

(i) Food safety.

(j) Housing Advice.

(k) Homelessness.

(l) All matters relating to private sector housing.

(m) The Glover Street and Saltings sites.

(n) All matters relating to the Crime and Disorder Act 1998, the Antisocial Behaviour Act 2004 and the Prevent Duty under the Counter-Terrorism and Security Act 2015.

(o) All matters relating to the Safeguarding of Children and Vulnerable adults, in particular the Council's duty in relation to the Statutory Section 11 Audit of the Children's Act 2004.

(p) All maters concerning Stafford Borough relating to the Staffordshire Police, Fire and Crime Commissioner.

(q) To consider and make recommendations to address health inequalities in the Council's area, incorporating matters relating to health and well-being and its promotion, including the Scrutiny of the Health and Wellbeing Strategy for Stafford Borough.

(r) To respond to external consultation on matters within its terms of reference relating to the provision by an external organisation of services to the community which do not affect or directly relate to the Council's functions or services. Where a response is urgent the Chairman of the Committee in consultation with the appropriate Cabinet Member may respond.

(s) Statutory Health Scrutiny Function

To review and scrutinise matters relating to the health service in the Council's area, and to make reports and recommendations on such matters, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health scrutiny) Regulations 2013 in so far as those matters are delegated to the Committee by Staffordshire County Council.

Section 5

Policy Documents

The following is a list of those documents referred to in Part 2, Article 4.1 which collectively form the Council's Policy Documents and must be approved or adopted by the Council

The Corporate Business Plan

The Local Plan

Neighbourhood Plans

Community Infrastructure Levy Charging Schedule

Safeguarding Children and Adults at Risk of Abuse or Neglect Policy

Biodiversity Strategy

Equalities and Diversity Strategy

Code of Corporate Governance

Financial Plan

Capital Strategy

Asset Management Plan

The Statement of Community Involvement

Prosperity Strategy

Cultural Strategy

Open Spaces Strategy

Playing Field Strategy

Licensing Policy

Gambling Policy

Waste Management Strategy

Section 6

Scheme of Delegations

Scheme of Delegations

1 Introduction

The Scheme of Delegations ("Scheme") authorises officers to exercise the functions of the Council as set out in this document. This Scheme repeals and replaces all previous schemes of delegation and all amendments made thereto.

For the purposes of this Scheme, the term "Chief Officer" means:

(a) Chief Executive;

(b) Deputy Chief Executive; and

(c) Heads of Service.

This Scheme contains two types of authorities:

(a) Functional, operational and day to day management of services delegated to all Chief Officers; and

(b) Functions delegated to specific Chief Officers.

The exercise of any function delegated by this Scheme is subject to and must be in accordance with the following. They are listed in order of precedence, which should be followed in the event of any conflict between their provisions:

(a) European and National Law

(b) Procurement Regulations

(c) Financial Regulations

(d) The Scheme of Delegations

(e) Emergency Planning Procedures

(f) Other Council policies, procedures

Any reference in this Scheme to a statute includes any statutory instrument, regulation, order, rule, guidance or circular made under it and includes any modification amendment or re-enactment.

2 Delegations To All Chief Officers

2.1 Management Delegations

2.1.1 To undertake the management of those services or functions under their management including the discharge of all responsibilities, duties and obligations, within approved budgets, policies and procedures.

2.1.2 To agree changes to approved capital or revenue budgets in consultation with the Section 151 Officer provided that it and any future financial implications are contained within the approved budget for the service.

2.1.3 To invite tenders and award contracts in accordance with Procurement Regulations and Financial Regulations.

2.1.4 In consultation with the Section 151 Officer, to authorise the submission of external funding bids for projects/schemes that support the delivery of the Council's Corporate Plan or equivalent.

2.1.5 To select and appoint specialist professional advisors within approved budgets.

2.1.6 To discharge their duties in respect of Health and Safety in the workplace.

2.1.7 To accept appointments to positions in local, regional, national or international professional bodies in consultation with the Chief Executive.

2.1.8 In respect of functions within their responsibility:

(a) to serve notices under Section 16 of the **Local Government (Miscellaneous Provisions) Act 1976**;

(b) to exercise any power of the Council relating to entry on land or other property for the purposes of inspection.

2.1.9 To provide goods, services and plant to other local authorities and other bodies (where lawful), in consultation with the Chief Executive.

2.1.10 To dispose of surplus materials, vehicles, plant, equipment and goods, salvage scrap, and other waste (in accordance with financial regulations).

2.1.11 To be the Proper Officer for the production of background documents under the Local Government Access to Information Regulations in respect of any report presented to the Council, Cabinet and Committees in their name.

2.1.12 To be the Proper Officer for the opening of tenders relevant to their service.

2.1.13 To negotiate and settle contract disputes relating to their service area within approved budgetary provision.

2.1.14 To manage procurement of goods and services for their service area and ensuring compliance with the law and Procurement Regulations including:

(a) Approval of method by which contracts are let.

(b) All steps necessary to invite estimates, quotations and tenders for all contracts necessary to implement schemes or acquire goods or services approved by the Council.

(c) The acceptance of an estimate, quotation or tender for a contract subject to:

(i) In respect of capital schemes; in consultation with the Section 151 Officer, the expenditure having been previously approved by the Council as part of the Capital Programme and the total cost of the scheme calculated from the tender not exceeding the approved budget provision by more than 10% or £25,000 whichever is the lower.

(iii) In respect of revenue expenditure; the total cost being capable of being met from within the approved budget.

(d) The extension of an existing contract for the supply of goods or services for the shorter of a period of two years or the term of the original contract on the same terms and conditions where it is considered that the cost of seeking a new contractor would exceed any savings which might be achieved subject to;

(i) the costs being capable of being met from within the budgetary provision and

(ii) no contract being extended more than once under this provision

2.1.15 In consultation with the Head of Law and Governance, to authorise the instigation of civil and criminal proceedings and to defend any litigation for and on behalf of the Council in relation to their service area.

2.1.16 Unless otherwise falling within the remit and/or responsibility of the Council's Insurer, to settle, compromise, discontinue or otherwise dispose of any claim, appeal, action or complaint falling within their area of management (irrespective of whether any proceedings have been instigated), providing that legal advice has first been obtained and the costs can be met from approved budgets.

2.1.17 The appointment of consultants as necessary to provide professional services (including feasibility studies) subject to provision being available within the approved budget.

2.1.18 Responding to consultations by Government, other public organisations and statutory bodies in accordance with Council policy.

2.1.19 In consultation with the Section 151 Officer, bidding for funding from external agencies (including the government) in pursuance of Service Plan objectives subject to financial implications being within approved budgets.

2.2 Human Resources Delegations

2.2.1 All delegations within paragraphs 2.2.2 to 2.2.13 are to be exercised by Heads of Service only in respect of employees within their service and after consultation with Human Resources.

2.2.2 Implementation of all approved personnel policies.

2.2.3 To determine permanent and temporary establishments and staff structures, below Head of Service level, providing the costs can be met from approved budgets except where it would result in:

(a) the redundancy of an employee;

(b) the retirement of any officer at a cost to the Council;

(c) the creation or deletion of a chief officer post.

2.2.4 To recruit to vacant posts below Head of Service, provided that the costs can be met from approved budgets.

2.2.5 To engage agency personnel to fulfil service delivery requirements, provided that the costs can be met from approved budgets.

2.2.6 To approve ex-gratia or honorarium payments, for employees within their service, provided that the costs can be met from approved budgets.

2.2.7 To approve applications for requests to undertake recognised professional qualifications which will be of benefit to the Council, provided the costs can be met from within approved budgets.

2.2.8 To approve requests for unpaid leave.

2.2.9 To approve requests for compassionate, maternity support, paternity leave and adoption leave.

2.2.10 To approve requests for time off work in respect of medical appointments, trade union duties and public duties.

2.2.11 To approve requests from officers to undertake secondary employment.

2.2.12 To consider, hear and/or determine grievances raised by employees within their service.

2.2.13 To conduct disciplinary, capability and sickness proceedings, including dismissal of employees below Head of Service.

2.2.14 Implementation of the provisions of the **Health and Safety at Work Act 1974** in their own Service.

2.3 Financial Matters

2.3.1 The compilation and approval of detailed budgets for each cost centre within overall budgetary provision and in accordance with approved budgetary policy and strategy.

2.3.2 The virement of resources a service division (as identified at budget book level) in a year of account subject to

(a) the amount vired not exceeding the amount remaining on the cost centre after all outstanding commitments;

(b) the cumulative amount vired to or from any service division budget in any one year not exceeding £25,000;

(c) the purpose for which the virement is made must be in accordance with Council policy, Standing Orders and Financial Regulations and be lawful;

(d) the virement must not create a commitment to expenditure in any future financial year.

2.3.3 Approval of the detail of approved capital schemes with an estimated cost of up to £50,000

2.3.4 In consultation with the Section 151 Officer, approval of additional expenditure required to complete an approved capital scheme up to 10% of the total cost or £25,000 whichever is the lower

2.4 Property Matters

2.4.1 To make authorisations for directed surveillance and covert human intelligence source under the **Regulation of Investigatory Powers Act 2000.**

2.5 Onward Delegation

2.5.1 Subject to paragraphs 2.5.2 below, Chief Officers are entitled, in their absolute discretion, to authorise officers within their area of management (identified by name or job description) to exercise all or some of their delegated functions, unless the law requires specific named officers to exercise delegated authority.

2.5.2 Any authorisation of named officers by Chief Officers under paragraph above shall:

(a) comply with the Council's financial regulations (if applicable);

(b) be recorded in writing signed by the Chief Officer; and a copy of the written record shall be provided to the Chief Executive, Monitoring Officer and Section 151 Officer.

The Chief Executive shall have the power to veto any delegation.

3 Functions Delegated To Specific Officers

3.1 Chief Executive

3.1.1 The Chief Executive is designated as the Head of Paid Service (Section 4 of the **Local Government and Housing Act 1989**).

3.1.2 The Chief Executive is appointed as Returning Officer for Borough and District Elections and all local referendums and polls.

3.1.3 The Chief Executive may undertake all duties delegated to other Chief Officers, or delegate such duties to another Chief Officer, where permitted by law.

3.1.4 To be the authorised person for the signing of Certificates of Opinion to accompany applications for exemption for posts from political restrictions.

3.1.5 The Chief Executive, or their nominee, has the full authority to take all action they consider necessary in a major incident or emergency in consultation with the Leader or appropriate Cabinet Member where circumstances allow (the Director on call shall stand nominated by the Chief Executive to take such action during their period of on-call).

3.1.6 To incur expenditure in respect of any major incident or emergency within or adjoining the District in consultation where practicable with the Leader of the Council and the Section 151 Officer.

3.1.7 To determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement can be reached with the recognised trade unions through the Council's normal negotiating frameworks.

3.1.8 In consultation with the HR service, to approve ill health retirements for employees, Heads of Service and below, in accordance with Council approved/adopted policies, providing any costs are met from within approved budgets.

3.1.9 In consultation with the HR service, to approve early retirements for employees, Heads of Service and below, on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain and any costs are met from within approved budgets.

3.1.10 To determine, implement and review corporate human resource procedures and best practice guidance designed to deliver Council policy in consultation with the HR service.

3.1.11 To determine, implement and review all aspects of Single Status Scheme, including job evaluation, except where such change will or may have a direct or potential impact on the Single Status Scheme and/or budgetary framework.

3.1.12 To make authorisations for directed surveillance and use of covert human intelligence sources when knowledge of confidential information is likely to be acquired under the **Regulation of Investigatory Powers Act 2000**

3.1.13 To exercise on behalf of the Council the power to grant authorisations as contained in Section 110A sub-section (3) of the **Social Security Administration Act 1992** (as amended).

3.1.14 Grant Aid; Stafford Borough Sports Council: The approval of the minutes and payments of Grant Aid.

3.1.15 Matters under the **Anti-social Behaviour, Crime and Policing Act 2014**

(a) Authority to issue and the enforcement of community protection notices including taking legal proceedings.

(b) Consideration of and making of public spaces protection order. Enforcement of public spaces protection order including taking legal proceedings in consultation with the Head of Law and Governance.

3.1.16 To appoint Deputy Electoral Registration Officers to carry out the powers and duties of the Electoral Registration Officer either in full or in part in accordance with section 52(2) of the Representation of the People Act 1983.

3.1.17 Be authorised to make changes to Polling Districts and Polling Places, as may be required, in between formal reviews.

3.2 Deputy Chief Executive

3.2.1 To exercise the powers of the Chief Executive in the event of their incapacity, absence or unavailability.

3.2.2 To undertake all duties delegated to other Chief Officers (in their service areas), or delegate such duties to another Chief Officer, where permitted by law.

3.3 Section 151 Officer

3.3.1 Approval of future years Tax Base.

3.3.2 To determine Liable Persons, Liability Periods, Eligibility for statutory discounts, exemptions and reliefs and any other matter referred to in the appropriate statute necessary to calculate the due amount for which a Council Taxpayer or National Non-domestic Ratepayer is liable.

3.3.3 The writing off of individual debts up to the sum of £2,500 which are considered to be irrecoverable and the writing off of individual debts which are considered irrecoverable due to bankruptcy, insolvency or liquidation in consultation with the Head of Law and Governance.

3.3.4 The writing off of overpayments of Housing Benefit, which are deemed irrecoverable in accordance with benefit legislation.

3.3.5 All billing, recovery and enforcement proceedings in connection with non-payment of Council Tax and non-domestic rates.

3.3.6 To sign complaint lists, liability order lists, attachment of earnings orders and deductions of benefit orders and to authorise the taking control of goods on behalf of the Council.

3.3.7 The consideration, determination and award of discretionary discounts or reductions to Council Tax and to confirm all valid applications for Mandatory Rate Relief from non-domestic rates.

3.3.8 The granting of discretionary relief from non-domestic rates within approved Council policy.

3.3.9 All enforcement proceedings in connection with non-payment of Council Tax and non-domestic rates.

3.3.10 To deal with all matters relating to Council Tax and non-domestic rates on behalf of the Council, with the exception of those specifically requiring Council approval in law (e.g. setting of Council Tax) including

(a) To agree and authorise the appropriate allocations of occupied and unoccupied premises in order to calculate empty rate allowance under Section 44A Local Government Finance Act 1988

(b) To raise and quash penalties imposed under Schedule 3 of the Local Government Finance Act 1992

(c) To serve, amend and withdraw Completion Notices in respect of newly completed commercial or domestic property, in accordance with s46A and Schedule 4A of Local Government Finance Act 1988

(d) To determine Council Tax and Non Domestic Rate, non Valuation Appeals on behalf of the Council

(e) To represent the Council at any Court or Tribunal regarding any Council Tax or Business Rate matters.

3.3.11 Actions required to recover sundry debts under the Council's Credit Management Policy in consultation with the relevant Head of Service.

3.3.12 To determine all applications for Housing Benefit and Local Council Tax Reduction.

3.3.13 To consider and determine discretionary housing payments and discretionary awards of Local Council Tax Reduction.

3.3.14 To determine applications for back dating of Housing Benefit and/or Local Council Tax Reduction.

3.3.15 To authorise and issue sanctions including Administrative Penalties, Formal Cautions, and Prosecutions in respect of Local Council Tax Reduction.

3.3.16 Authorisation of Officers to require information from organisations under the **Social Security Fraud Act 2001**.

3.3.17 Actions required to recover sundry debts under the Council's Credit Management Policy in consultation with the relevant Head of Service.

3.3.18 Raising of money by loans at the most advantageous market rate

3.3.19 Housing Advances

(a) Authority in accordance with the **Housing Act 1985**, Section 438 and Schedule 16 to amend the rate of interest to the "appropriate rate" after declaration from time to time by the Secretary of State of the standard notional rate.

(b) Approval of applications for house purchase and improvement/repair advances within the Council's Scheme and guarantees to Building Societies.

3.4 Head of Law and Governance

3.4.1 Authorisation to make such changes to the membership requested by a group to which the seat is allocated when such written request is received.

3.4.2 The making of ex gratia payments up to a maximum of £5,000 in settlement of complaints made to the Local Government Ombudsman in consultation with the relevant Head of Service.

3.4.3 Briefing Counsel and obtaining other specialist legal advice and services as considered necessary to advise and/or represent the Council.

3.4.4 Approval to the provision of refreshments for meetings of the Council and Committees.

3.4.5 Hiring of rooms at Civic Centre and Stone Area Office.

3.4.6 The power to authorise officers of the Council to appear in the Magistrates Court on behalf of the Council in accordance with section 233 of the **Local Government Act 1972**.

3.4.7 Authority to make any temporary street closure orders as required.

3.4.8 Authorisation to instruct agents to value property proposed to be sold to or by the Council.

3.4.9 Authority to issue grazing licences for lands not immediately required for Council purposes.

3.4.10 Authority to approve applications for licences to cultivate subject to such conditions as are deemed to be appropriate.

3.4.11 Authority to grant applications for wayleaves from statutory undertakers.

3.4.12 Management of The Saltings Mobile Homes Site in accordance with Council policy.

3.4.13 Commencement of legal proceedings, including applying for civil injunction, criminal behaviour orders. Issue of community protection notices, closure of premises. Matters relating to dangerous dogs, public space protection orders under the **Anti-social Behaviour, Crime and Policing Act 2014**.

3.4.14 Approval of the use of allotment roadways for vehicular access (either existing or new).

3.4.15 Matters concerning Licensing Committee to be exercised in consultation with the Chairman of the Committee:

(a) To dispense with holding a hearing, if all persons required by the **Licensing Act** agree that such a hearing is unnecessary, and to give notice to the parties that a hearing has been dispensed with, as per Regulation 9 of the **Licensing Act 2003 (Hearings) Regulations 2005** ("the Regulations").

(b) To extend time limits, and to give notice of the same, as per Regulation 11 of the Regulations.

(c) To adjourn a hearing, and to give notice of the adjournment, as per Regulation 12 of the Regulations.

(d) To make amendments as to the procedure to be followed at hearings of the Licensing Sub Committee, as per Regulation 21 of the Regulations.

(e) To take steps to cure any irregularities resulting from failure to comply with the provisions of the Regulations, as per Regulations 31, 32 and 33.

3.4.16 Authority to confirm unopposed Public Footpath Diversion Orders.

3.4.17 To confirm all Tree Preservation Orders where no objections are made or where any objections are satisfactorily resolved.

3.4.18 Authority to take all action required under the **Access to Personal Files Act 1987** and the Access to Personal Files (Housing) Regulations 1989 other than the carrying out of reviews under Regulation 8 of the Regulations.

3.4.19 To be the Proper Officer for all purposes under the Local Government, (Access to Information) Act 1985 except those set out in Paragraph 2.1.11.

3.5 Head of Regulatory Services

3.5.1 Authority under the **Dangerous Wild Animals Act 1976** to:-

(a) issue or refuse applications for licences to keep animals;

(b) consult such interested bodies or parties as appropriate;

(c) attach appropriate conditions to any licences;

(d) charge an appropriate fee for applications sufficient to meet the direct and indirect costs thereof;

(e) obtain veterinary reports on payment of a fee;

(f) seize, destroy or detain an animal and to recover the costs so involved.

3.5.2 Authority under the **Control of Pollution Act 1974** to:-

(a) Section 60 - serve notice imposing requirements as to the way in which works to which this section applies are to be carried out.

(b) Section 61 - enter into "prior consent-agreements" for work on construction sites with the person who intends to carry out work listed in Section 60.

(c) Section 62 - in consultation with the Head of Law and Governance to take legal action in respect of contraventions of this Section which deals with noise in streets.

(d) Section 16 - in consultation with the Head of Law and Governance to undertake the procedure specified in that section of the Act and serve the requisite notices and undertake proceedings to recover costs relating to the removal of waste deposited in breach of licensing provisions.

3.5.3 All powers under the **Clean Air Acts 1968 and 1993** including to institute legal proceedings for offences, except those relating to the creation of smoke control areas.

3.5.4 The Councils powers and functions under the **Environment Act 1995**:-

(a) under Part II relating to contaminated land and abandoned mines.

(b) under Part IV relating to air quality.

(c) under Part V relating to enforcement powers, powers of entry and the prosecution of offences.

3.5.5 The functions conferred under the **Control of Asbestos Regulations 2006** (these may only be undertaken by Environmental Health Officers authorised under the **Health and Safety at Work etc Act 1974**).

3.5.6 Authority under Section 12, **Staffordshire Act 1983** to require in connection with any building operation or demolition operation or the cleansing of any building, the taking of any reasonable practicable steps to reduce the emission of dust from the operations being carried out.

3.5.7 The Council's powers and functions relating to permitted processes under the **Environmental Protection Act 1990**, the **Pollution Prevention and Control Act 1999** and the **Environmental Permitting (England and Wales) Regulations 2010**.

3.5.8 Under the **Environmental Protection Act 1990**:-

(a) The powers and functions provided for by regulations made under Part 1.

(b) Powers and functions relating to contaminated land under Part IIA

(c) Authority to serve notices under Part III of the Act and to institute proceedings for failure to comply with notices.

(d) Authority to service notices under Part III of the Act and under the Noise and **Statutory Nuisance Act 1993**.

3.5.9 The powers and functions under the **Clean Neighbourhoods and Environment Act 2005** relating to

(a) noise under Sections 69 to 81 and Section 86

(b) vehicles under Part 2

(c) litter and refuse under Part 3

(d) graffiti and other defacement under Part 4

(e) waste under Part 5

(f) dogs under part 6

(g) miscellaneous matters under Part 9

3.5.10 Authority to require the keeper of a vehicle to pay a fixed (civil) penalty if there is reason to believe that a littering offence has been committed from the vehicle under the **Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.**

3.5.11 Authority to implement the powers in Regulations 5 and 6 of the **Health and Safety (Enforcing Authority) Regulations 1998** concerning the transfer of premises between enforcing authorities.

3.5.12 Authority to appoint authorised inspectors under Section 19 of **the Health and Safety at Work etc Act 1974**.

3.5.13 Powers and functions relating to Hackney Carriages:-

(a) Authority to issue, refuse, suspend or revoke the various licences under **the Local Government (Miscellaneous Provisions) Act 1976** - Part II Hackney Carriages and Private Hire Vehicles and in the event of a contravention, in consultation with the Head of Law and Governance the institution of legal proceedings.

(b) Authority to remove and retain the plate or disc from a Hackney Carriage or Private Hire Vehicle where any proprietor fails without reasonable excuse to comply with the terms of a notice under Sub Section (1) of Section 58 of the **Local Government (Miscellaneous Provisions) Act 1976**.

(c) Authority to suspend and revoke vehicle/drivers licences under section 60 and 61, and operators licences under section 62

(d) Authority to charge the additional administrative fees for late applications for drivers and vehicle licences for Hackney Carriages and Private Hire Vehicles in accordance with current fees and charges.

(e) Authority to approve requests for advertisements on Hackney Carriages provided that they conform to the format set down and do not offend public decency or relate to religious or political topics.

3.5.14 The Council's powers and functions relating to the following licensing matters:-

(a) House to house and street collection consents

(b) Betting and Gaming (including amusements with prizes)

(c) Registration of Small Lotteries

(d) Licensing of Pleasure Boats

(e) Registration of scrap dealers and collectors

(f) The issue of all licenses falling to be dealt with under the **Lotteries and Amusements Act 1976**

(g) Authority to issue, renew, refuse, transfer and revoke licences under the **Zoo Licensing Act 1981** and to appoint suitably qualified inspectors should the necessity arise

(h) Sale of Rag Flock

(i) **Animal Welfare Act 2006**

(j) **Gambling Act 2005**

(k) **Licensing Act 2003**

(l) Registration of persons and premises for acupuncture, tattooing, cosmetic-piercing and electrolysis

(m) Determination of unopposed applications to renew and/or transfer a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982

(n) Determination of Pavement Licence applications under the Business and Planning Act 2020

3.5.15 **Building Act 1984** in respect of sanitary conveniences:

(a) Authority to serve notices under Sections 64 and 65 of the Act.

(b) Authority under Section 29 of the Act to carry out work in default where notices under Section 64 and 65 are not complied with and to recover the expenses reasonably incurred by the Council in doing the work.

3.5.16 Authority to implement powers under the **Noise and Statutory Nuisance Act 1993.**

3.5.17 Authority to prosecute breaches of Section 5(1)(b) of the **Police Factories etc. Miscellaneous Provisions Act 1916** in respect of unauthorised Street Collections.

3.5.18 Matters relating to Street Trading

(a) Authority to pursue legal proceedings for breaches of Section 3 and Schedule 4 of the **Local Government (Miscellaneous Provisions) Act 1982.**

(b) Authority to issue, renew and revoke Street Trading Consents and to amend or add to conditions to street trading consents.

(c) Authority to take legal proceedings in cases where no street trading consent has been granted.

3.5.19 Authority to serve notice in relation to unsecured premises and to undertake works in default under Section 29 of the **Local Government (Miscellaneous Provisions) Act 1982**.

3.5.20 Collection of abandoned motor vehicles and service of notices as appropriate.

3.5.21 Matters under the **Building Act 1984**

(a) Authority to serve notices under Section 76 of the Act and in the event of a counter notice not being served to obtain estimates, arrange for work in default to be carried out after the expiry of the nine day statutory period.

(b) Authority to serve notices under Section 79 regarding ruinous and dilapidated buildings and neglected sites.

(c) The institution of proceedings to recover the costs involved in (a) and (b) above, in consultation with the Head of Law and Governance.

(d) Authority to arrange for works to be carried out by agreement with the owner/occupier under Section 97 of the Act.

(e) Authority to arrange for works to be carried out in default under Section 99 of the Act.

(f) Authority to order that pursuant to Section 108 expenses recoverable by the Council may be payable by instalments within a period not exceeding 10 years and, in consultation with the Section 151 Officer, to determine the relevant rate of interest under Section 107 of the Act.

(g) Authority to institute legal proceedings under Section 99 of the Act for failure to comply with the Notice served under Section 59 of the Act.

(h) Authority to institute legal proceedings contained within Section 99 of the Act where there has been a failure to comply with a Notice served under the Act.

(i) Authority under Sections 45 and 93 of the **Public Health Act 1936** and Section 59 of the **Building Act 1984** and the Environmental Protection Act 1990 to obtain necessary estimates for works, make appropriate arrangements for works to be carried out in default and, in consultation with the Head of Law and Governance, to take legal action to recover the costs involved.

3.5.22 Power to require the maintenance of a proper base and adequate access ways to a bulk refuse container, powers in **Public Health Act 1936** extended by Staffordshire Act 1983, Section 55.

3.5.23 Power under Section 5(1) of the **Dangerous Dogs Act 1991** to implement the Act.

3.5.24 Matters under the **Food Safety Act 1990**

(a) Authority to exercise the powers necessary for the operation of the functions arising from the Act, Regulations, Orders or Codes of Practice made under the Act.

(b) Authority to issue Improvement Notices in pursuance of Section 10 of the Act.

(c) Authority to issue Emergency Prohibition Notices and to apply for Emergency Prohibition Orders and to determine whether or not sufficient measures have been taken to secure that the health risk condition is no longer fulfilled and where so satisfied to issue a certificate lifting an Emergency Prohibition Notice or a prohibition order in pursuance of Sections 11 and 12 of the Act.

3.5.25 Under the **Health Act 2006**, the enforcement of smoke free legislation in premises and vehicles.

3.5.26 Authority to seek an injunction under Section 222 of the **Local Government Act 1972** to restrain any anticipated breach of paragraphs 3 and 4 of Schedule 1 of the **Local Government Act 1982** in respect of public musical entertainment in the open air and on private land.

3.5.27 The powers in the **Prevention of Damage by Pests Act 1949** as amended by Section 16 of the **Staffordshire Act 1983** so as to afford right of re-entry under a Justices Warrant where admission to land has been refused or the land is unoccupied and there is a need for entry and authority to serve notice for destruction of rats and mice and to carry out works in default of a Notice and institute legal proceedings for breach of a Notice.

3.5.28 Matters under the **Public Health Act 1936**

(a) Authority under Section 84 of the Act 1936 to enter premises and carry out all reasonable works for the cleansing or destruction of filthy and verminous articles as is appropriate at the Council's expense and if necessary remove articles from the premises for that purpose.

(b) Authority under Section 83 of the Act 1936 as amended by Section 35 of the Public Health Act 1961 to serve notice for the cleansing of filthy and verminous premises.

(c) Authority to serve notices under the provisions of Section 45 (relating to defective closets) of the Act.

(d) Authority, in consultation with the Head of Law and Governance, to institute proceedings for failure to comply with such notices.

3.5.29 Matters under the **Public Health Act 1961**

(a) Authority under Section 36 of the Act to require the vacation of premises during fumigation.

(b) Authority under Section 34 to serve notice for the removal of rubbish.

3.5.30 Authority under **Local Government Act 1972** to remedy stopped up drains and to repair drains and private sewers.

3.5.31 Matters under the Skin Piercing Activities - **Local Government (Miscellaneous Provisions) Act 1982**.

(a) Authority to prosecute, in consultation with the Head of Law and Governance, for offences under Part III of the Act and Associated Byelaws.

(b) Authority to approve, refuse or revoke registration.

3.5.32 Appointed as the officer under Section 149 of the **Environmental Protection Act 1990** in respect of stray dogs.

3.5.33 Authority to issue consent to the discharge of trade effluent (as appropriate) under public health legislation.

3.5.34 Matters under the **Water Industry Act 1991**

(a) Authority to serve notices under Section 80 of the Act.

(b) Authority under Section 82 of the Act to enforce and notify or revoke notices served under Section 80 of the Act.

(c) Designation of all Environmental Health Officers, Principal Environmental Protection Officer, Environmental Enforcement Officer and the Technical Assistant of the Environmental Protection designated for the proposed mentioned in Section 84 of the Act regarding powers of entry.

3.5.35 Matters under the **Private Water Supplies Regulations 2009**

(a) Authority to implement the powers conferred on local authorities under the Regulations.

(b) Authority to waive 50% of the costs of sampling and analysis of private water supplies in cases of hardship or where the supply served a charitable or voluntary body.

3.5.36 Authority to commence legal proceedings for offences arising under Parts II and IV of the **Environmental Protection Act 1990**, **Clean Neighbourhoods Act 2005 Control of Pollution (Amendment) Act 1989** and **Refuse Disposal (Amenities) Act 1978**.

3.5.37 Authority to serve statutory notices, execute works, recover and apportion expenses and authorise officers to issue Fixed Penalty Notices in respect of the powers under Parts II and IV of the **Environment Protection Act 1990**, **Clean Neighbourhoods Act 2005**, **Anti-Social Behaviour Act 2003**, **Control of Pollution (Amendment) Act 1989**, **Refuse Disposal (Amenities) Act 1978**, Section 225 **Town and Country Planning Act 1990** and the **Crime and Policing Act 2014.**

3.5.38 Authority to issue of fixed penalty notices under Dog Control Orders.

3.5.39 The powers and functions under the **Local Government (Miscellaneous Provisions) Act 1976**.

(a) Section 16 - obtain particulars of persons interest in land.

(b) Section 20 - provision of sanitary appliances at places of entertainments.

(c) Section 33 - restoration or continuation of supply of water, gas or electricity in a dwelling.

(d) Section 35 - removal of obstructions from private sewers.

3.5.40 Authority to appoint Proper Officers for the purpose of the **Public Health (Control of Disease) Act 1984** (as amended) and the **National Assistance Act 1948** Section 47 (as amended), in consultation with the Director of the West Midlands North Health Protection Unit.

3.5.41 Authority to deal with contraventions of the **Dangerous Dogs Act 1973**.

3.5.42 Authority to appoint any officer or veterinary practitioner under the Breeding of dogs Act 1973.

3.5.43 Functions under the **Criminal Justice and Public Order Act 1994**

(a) Section 77 - Power to direct unauthorised campers to leave land.

(b) Section 78 - Complaint to the Magistrates Court to order removal of persons and their vehicles from land.

3.5.44 Matters relating to building regulations

(a) Approval, rejection and all other matters relating to applications received.

(b) Implementation, charging and variation of prescribed fees for building regulation applications.

(c) Authority not to accept or if appropriate refuse any application which patently does not comply with Building Regulations.

(d) Institution of proceedings in appropriate cases for contraventions of the Building Regulations pursuant to Section 35 of the **Building Act 1984**.

(e) Authority to issue stage and conditional approvals in dealing with applications made under the Building Regulations pursuant to the provisions of the **Local Government (Miscellaneous Provisions) Act 1982**.

(f) Authority under Section 26, **Staffordshire Act 1983** to impose requirements as regards adequate means of access for the Fire Brigade to a building where plans of the proposed building are deposited in accordance with Building Regulations.

(g) Authority to require the incorporation of fire safety provisions where plans of any proposed parking place within a building for more than three vehicles are lodged for approval as respects their building regulation plans pursuant to the **Staffordshire Act 1983** Section 25.

(h) Authority to serve notice under section 19 of the **Staffordshire Act 1983** on the owner of property used for human habitation to require works to provide adequate means of lighting.

3.5.45 Matters under the **Highways Act 1980**

(a) Section 144 - permission to erect flag poles on highway.

(b) Section 154 - to serve notices concerning trees which overhang or are a danger to users of roads or footpaths.

(c) Section 170 - take action against persons mixing mortar cement or other substances on the surface of the highway.

(d) Section 297 - to require information as to the ownership of the land under the highway.

3.5.46 Authority to amend land charges search fees in accordance with LGA guidelines and to take the necessary action arising therefrom.

3.5.47 The powers under Section 23 of the **Local Government (Miscellaneous Provisions) Act 1976** relating to dangerous trees.

3.5.48 Authority for the and the Head of Regulatory Services in consultation with the Head of Law and Governance and the Chairman to take appropriate action, including legal proceedings, under Section 143 and/or 152 of the **Highways Act 1980** in respect of any future contraventions regarding obstructions on the highway.

3.5.49 Matters under the **Housing Act 2004**

Part 1 (Enforcement of Housing Standards with Respect to the Housing Health and Safety Rating System)

(a) Authority to take action in respect of Housing Standards under Chapter 1 - Enforcement of housing standards: general.

(b) Authority to take action in respect of Housing Standards under Chapter 2 - Improvement Notices, prohibition orders and hazard awareness notices.

(c) Authority to take action in respect of Housing Standards under Chapter 3 - Emergency Measures.

(d) Authority to take action under Chapter 4 - Demolition orders and slum clearance.

(e) Authority to take action under Chapter 5 - General and miscellaneous provisions (recover of expenses and appeals).

Part 2 (Licensing of Houses in Multiple Occupation)

(f) Authority to take action in respect of the licensing of houses in multiple occupation

Part 3 (Selective Licensing of other Residential Accommodation)

(g) Authority to take action in respect of the licensing of other residential accommodation

Part 4 (Additional control provisions in relation to residential accommodation)

(h) Authority to take action in respect of the making of management orders in respect of houses in multiple occupation or a house licensed by the local authority.

(i) Authority to serve overcrowding notices in respect of a house in multiple occupation.

Part 7 (Supplementary provisions)

(j) Authority to take action in respect of the; section 235 - power to require documents to be produced.

(k) Section 239 - power of entry.

(l) Section 240 - warrant to authorise entry.

(m) Section 234 to take action with respect to regulations made under this section regarding enforcement of housing standards in HMOs.

(n) Section 249A to impose financial penalties as an alternative to prosecution for relevant housing offences.

3.5.50 Harassment and unlawful eviction - private rented property. Investigation of alleged harassment or unlawful eviction and where necessary the taking of appropriate action under **The Protection from Eviction Act 1977**.

3.5.51 Power under the **Enterprise and Regulatory Reform Act 2013** to issue a notice to a person that has failed to comply with the requirement to belong to a redress scheme under article 3 or article 5 of the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to

Belong to a Scheme etc) (England) Order 2014 requiring that person to pay the authority a monetary penalty of such amount as the authority may determine.

3.5.52 Matters under the **Section 150 of the Energy Act 2013** with respect to Regulations relating to Smoke and Carbon Monoxide Alarms including

(a) Power to authorise officers to serve a Remedial Notice in respect of a breach of the Regulations.

(b) Power to authorise officers to take remedial action in respect of a breach of the Regulations.

(c) Power to authorise officers to require a landlord to pay a penalty charge in respect of a breach of Regulations.

3.5.53 Matters under the **Building Act 1984**

(a) Authority to deal with buildings or structures which were in such a condition, or which carried such loads as to be dangerous under Section 77 of the Act.

(b) Authority to take emergency action where a building is in a dangerous state in accordance with Section 78 of the Act.

(c) Authority to serve notices under Sections 64 and 65 of the Act.

(d) Authority under Section 29 of the Act to carry out work in default where notices under Section 64 and 65 are not complied with and to recover the expenses reasonably incurred by the Council in doing the work

(e) Authority to serve notices under Section 76 of the Act and in the event of a counter notice not being served to obtain estimates, arrange for work in default to be carried out after the expiry of the nine day statutory period.

(f) Authority to serve notices under Section 79 regarding ruinous and dilapidated buildings and neglected sites.

(g) The institution of proceedings to recover the costs involved in (a) and (b) above, in consultation with the Head of Law and Governance.

(h) Authority to arrange for works to be carried out by agreement with the owner/occupier under Section 97 of the Act.

(i) Authority to arrange for works to be carried out in default under Section 99 of the Act.

(j) Authority to order that pursuant to Section 108 expenses recoverable by the Council may be payable by instalments within a period not exceeding 10 years and, in consultation with the s.151 Officer, to determine the relevant rate of interest under Section 107 of the Act.

(k) Authority to institute legal proceedings under Section 99 of the Act for failure to comply with the Notice served under Section 59 of the Act.

(l) Authority to institute legal proceedings contained within Section 99 of the Act where there has been a failure to comply with a Notice served under the Act.

(m) Authority under Sections 45 and 93 of the **Public Health Act 1936** and Section 59 of the **Building Act 1984** and the Environmental Protection Act 1990 to obtain necessary estimates for works, make appropriate arrangements for works to be carried out in default and, in consultation with the Head of Law and Governance, to take legal action to recover the costs involved

3.5.54 Authority contained in the **Cycle Act 1984** and Sections 21-23 of the **Local Government (Miscellaneous Provisions) Act 1982** relating to the following:

(a) Section 21 - prosecutions for offences relating to works in streets.

(b) Section 22 - the control of construction under streets.

(c) Section 23 - control of certain roadside sales.

3.5.55 Authority to issue notices under Section 167 of the **Highways Act 1980** requiring an owner to make safe a dangerous retaining wall adjoining a public highway.

3.5.56 Siting of post boxes, street signs and other street furniture excluding bus shelters.

3.5.57 Authority to allocate street names and numbers to properties within the Borough except in the following cases which be reported to Cabinet:-

(a) where it is proposed to name a street after a living person or

(b) where agreement cannot be reached with a developer on a proposed naming

3.5.58 Authority to exercise powers under Section 56C of the 1971 Act (Section 56 of the **Planning Listed Buildings and Conservation Areas Act 1990**) in respect of emergency action with regard to demolition of unlisted buildings in conservation areas and listed buildings.

3.5.59 The Councils powers and functions under the **Caravan Sites and Control of Development Act 1960** as amended by the **Mobile Homes Act 2013**:

(a) the issue of Site Licences;

(b) to take legal proceedings in relation to occupation of land as a caravan site without a site licence or in breach of conditions;

(c) to authorise officers to enter land;

(d) to authorise officers to serve a compliance notice in respect of breaches of a site licence;

(e) to authorise officers to carry out works following conviction for failure to comply with a compliance notice and recover costs.

(f) to determine applications for registration as a fit and proper person.

3.5.60 Authority to approve reasonable charges to recover certain administrative and other expenses incurred in relation to enforcement actions under Part 1 **Housing of Finance Act 2004**.

3.5.61 Glover Street Caravan Site

(a) Authority to approve new tenancies.

(b) Authority to evict tenants.

(c) Management of Glover Street Caravan Site in accordance with Council policy.

3.5.62 Play areas - Authority to approve the detailed design of new play areas and the enhancement of existing play areas and to submit planning applications for such developments. Subject to consultation with the ward member(s).

3.5.63 Under the **Environmental Protection Act 1990**:-

(a) Authority to serve notices under Part III of the Act and to institute proceedings for failure to comply with notices.

(b) Authority to service notices under Part III of the Act and under the Noise and **Statutory Nuisance Act 1993**

3.5.64 Authority to serve notice in relation to unsecured premises and to undertake works in default under Section 29 of the **Local Government (Miscellaneous Provisions) Act 1982.**

3.5.65 Under the **Health Act 2006**, the enforcement of smoke free legislation in communal areas of houses in multiple occupation.

3.5.66 The powers in the **Prevention of Damage by Pests Act 1949** as amended by Section 16 of the **Staffordshire Act 1983** so as to afford right of re-entry under a Justices Warrant where admission to land has been refused or the land is unoccupied and there is a need for entry and authority to serve notice for destruction of rats and mice and to carry out works in default of a Notice and institute legal proceedings for breach of a Notice.

3.5.67 Functions under the **Criminal Justice and Public Order Act 1994**

(a) Section 77 - Power to direct unauthorised campers to leave land.

(b) Section 78 - Complaint to the Magistrates Court to order removal of persons and their vehicles from land

3.5.68 Matters under **Sections 43-45 of the Energy Act 2011** with respect to enforcement of the Domestic Energy Efficiency Regulations.

3.5.69 Matters **under Sections 122-123 of the Planning and Housing Act 2016** with respect to the enforcement of Regulations relating to electrical safety in the private rented sector.

3.5.70 The Head of Regulatory Services is designated as the 'Proper Officer' for the carrying out of the following functions:

(a) Maintaining the local land charges register and responding to queries.

(b) As local registrar under Section 15 of the Land Charges Act 1925.

3.6 Head of Operations

3.6.1 In respect of parks and open spaces

(a) Authority to determine future applications for religious uses of Council owned parks.

(b) Authority to determine applications for the planting of trees in Victoria Park and all open space facilities.

3.6.2 Authority to take such action as they consider appropriate to secure the removal of any advertising or similar material constituting fly posting in the Borough in accordance with Section 36 of the **Local Government (Miscellaneous Provisions) Act 1976** including, in consultation with the Head of Law and Governance the institution of legal proceedings.

3.6.3 Car Parking Matters:-

(a) Authority to amend parking charges on Council managed car parks and to negotiate the price of the bulk purchase of parking permits from large user groups on car parks.

(b) Authority to enforce off-street parking orders including, in consultation with the Head of Law and Governance, the institution of legal proceedings.

(c) Authority to licence car parks for other purposes eg siting of displays. Ministry of Transport vehicle testing, charity events, subject to a maximum letting of 10 bays at any one time at a minimum of the current charge for parking and to it not seriously affecting the parking facilities.

3.6.4 Crematoria and Burial Grounds

(a) Authority to grant exclusive rights of burial.

(b) Authority to grant permission for the disinterment and reburial of cremated remains subject to the necessary faculty being granted and there being no valid reason for objection.

(c) Authority to approve the allocation of memorial seats in the Crematorium burial ground.

3.6.5 Authority to treat each application for the provision of “no Ball Games” signs on its merits, subject to consultation with local residents, Ward members and the Police.

3.6.6 Authority to approve and terminate market trader licenses.

3.6.7 Letting of Market Square

(a) Authority to determine letting applications.

(b) Decisions on urgent applications for letting involving the use of a vehicle which cannot await Cabinet consideration. If non-urgent the application is to be reported to Executive.

(c) Enforcement responsibilities.

3.6.8 Play areas - Authority to approve the detailed design of new play areas and the enhancement of existing play areas and to submit planning applications for such developments. Subject to consultation with the ward member(s).

3.6.9 Matters relating to tree preservation orders

(a) In consultation with the Head of Law and Governance and the Chairman of the Planning committee, authority to seek injunction pursuant to the provisions of Section 222 of the **Local Government Act 1972**, if in the future it appears expedient for the promotion and protection of the interests of the inhabitants of the Borough so to do, to restrain any breach of a Tree Preservation Order for the time being in force in the Borough.

(b) Authority to consent for the lopping, topping or felling of trees covered by a Tree Preservation Order.

(c) Authority, in consultation with the Head of Law and Governance, to make an immediate Tree Preservation Order under Sections 199 and 201 of the **Town and Country Planning Act 1990** having the effect of a stop notice.

(d) Authority to serve "Stop Notices" on any trees subject to Tree Preservation Orders, which are being cut, lopped, felled or damaged in any way.

(e) Authority to supply copies of Tree Preservation Orders to respective Parish Councils and notify individual Parishes of future Tree Preservation Orders.

(f) Authority to amend Tree Preservation Orders before confirmation, in response to objections or other relevant considerations, where such amendments are considered to be appropriate.

(g) Authority to rescind a Tree Preservation order unless it raises significant issues where it would be referred to the Planning Committee.

(h) Authority to confirm all Tree Preservation Orders where no objections are made or where any objections are satisfactorily resolved.

3.7 Head of Economic Development and Planning

3.7.1 In respect of development management matters

(a) Processing of all appeals including the conduct of the appeal and the agreement of conditions and planning obligations

(b) To determine, including the agreement or amendment of planning obligations, or make observations on all applications under the Town and Country Planning legislation, including but not limited to those applications required to be determined by officers under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, apart from:

(i) Applications falling under Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 where the Head of Economic Development and Planning (or other planning officer appointed by them) agrees with the Chair of Planning Committee (or Vice-Chair) that it raises:

(1) one or more issues of economic, social or environmental significance to the local area, or

(2) one or more significant planning matters having regard to the development plan and any other material considerations.

(ii) Applications made by or on behalf of the Council, or a member of the Council, or an officer of the Council, or where the Council or any of its members or officers otherwise has an interest in the application where, having regard to the circumstances of the application, the Head of Economic Development and Planning (or planning officer appointed by them) agree with the Chair of Planning Committee (or Vice-Chair) that it should be referred to Committee rather than determined by officers.

(c) To determine all Purchase Notices

(d) To determine the publicity arrangements required under the Town and Country Planning legislation

Note: In relation to (b), decisions made under delegated authority are to be published on the Council's website

(e) Authorisation to respond to consultations on applications submitted to the Secretary of State for nationally significant infrastructure projects.

(f) Authority granted to decide on each application for a Lawful Development Certificate whether or not to canvass information from third parties

3.7.2 Authority to undertake consultation exercises relating to Conservation Area Appraisals and the associated review process.

3.7.3 In respect of enforcement action:

(a) Authority to approve, in appropriate circumstances, entry on the private land under Section 196A of the **Town and Country Planning Act 1990**.

(b) Authority not to pursue enforcement action where it is considered that such action would not be expedient.

(c) Authority to serve a notice under Section 330 of the **Town and Country Planning Act 1990**, and authority to prosecute for non-compliance.

(d) Authority to enforce against breaches of planning obligations including taking proceedings for injunctions and to carry out works in default where it is considered appropriate and expedient.

(e) To authorise the service of Breach of Condition Notices, Enforcement Notices, Planning Contravention Notices, Stop Notices and Temporary Stop Notices.

(f) Authorise the service of notice under Section 215 of the **Town and Country Planning Act**, and carry out work in default and / prosecute when the notice is not complied with by the date of compliance, and to authorise prosecution proceedings where an Enforcement Notice, Listed Building Enforcement Notice, Conservation Area Enforcement Notice, Breach of Condition Notice, Temporary Stop Notice or a Stop Notice has not been complied with by the date of compliance.

(g) To authorise prosecution proceedings where a Planning Contravention Notice has been served and a response has not been received or false or misleading information has been supplied.

(h) Authorise where appropriate the serving of a Community Protection Warning, and a Community Protection Notice under **The Anti-Social Behaviour, Crime and Policing Act 2014.**

(i) Authority to deal with complaints under Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges) including any resulting notices, appeals, prosecutions and enforcement action arising from those complaints.

(j) Enforcement of control over advertisements.

(k) Discontinuation Notices in respect of Advertisements.

3.7.4 Authority to determine whether an Environmental Impact Assessment is required and to advise on the scope of the Environmental Statement.

3.7.5 Authority to issue decisions in relation to any restriction regarding occupancy of a property for which planning permission was granted by a former authority.

3.7.6 Matters relating to planning applications

(a) Discretion to accept and agree amendments to submitted planning applications and Hazardous Substances Consent Applications.

(b) Where a recommendation by a statutory consultee is received by the Council, on or before the date of the Decision Notice or consideration of a related planning application by the Planning Committee then, in the event that such recommendation is not placed before the Committee in considering the application, the Head of Development shall incorporate the recommendation in the formal decision notice issued in respect of that application unless, after consultation with the Chairman, the Head of Development considers that it would materially affect the decision of the Committee.

(c) Authority to make any necessary amendments purely of form to the schedules of planning decisions submitted to and considered by the Committee in order to ensure that the formal decision notice accords precisely with the decision of the Committee.

(d) Authority to determine the appropriate fees payable in accordance with the relevant legislation.

(e) In view of the fact that Parish Councils are consulted on planning applications authority to decline requests for formal consultation from other purely local bodies.

(f) Discretion to undertake informal non-statutory consultation in connection with planning applications.

(g) Authority to respond to other public authorities with the Borough Council's views on planning applications submitted to them that affect sites within or adjoining the area of the Borough subject to consultation with the ward member(s) of the adjoining ward(s) and except where in the opinion of the Head of Development significant issues are raised.

(h) Authority to treat a planning application as finally disposed of in any of the criteria in article 40 of the **Town and Country Planning (Development Management Procedure) (England) Order 2015** are met.

(i) In cases where, following the dishonouring of a cheque, the appropriate fee for planning and building regulation applications is not received within eight weeks of the original registration, authority in all future and current cases (upon giving fourteen days prior notice) to treat such applications as withdrawn and to amend the Planning Register accordingly.

(j) Authority for the implementation, charging and variation of prescribed fees for planning applications.

3.7.7 Authority to decide whether or not prior approval is necessary for the method of demolition and site restoration.

3.7.8 Authority in consultation with the Chairman of Planning Committee to serve notices under Section 101 of the **Town and Country Planning Act 1971** as amended by Section 54 of the **Listed Buildings Act 1990** and to carry out any necessary works.

3.7.9 Matters relating to Tree Preservation Orders, Trees in Conservation Areas and Countryside Hedgerows:

(a) To make, vary, modify, revoke, (and confirm unless there are substantial unresolved objections) tree preservation orders under section 198 of the Town and Country Planning Act 1990 (as amended).

(b) To exercise all powers in relation to the duty to replace trees protected by TPO or within Conservation Areas.

(c) To deal with any appeals in relation to the determination of TPO applications

(d) To exercise all powers relating to countryside hedgerows as set out in the Hedgerows Regulations 1997 and the Environment Act 1995

(e) To exercise all powers in relation to the enforcement of Tree Preservation Orders and of the protection of Trees in Conservation Areas including the use of inunctions and temporary stop notices.

3.7.10 Authority to undertake consultation exercises relating to Neighbourhood Boundary Areas and the neighbourhood planning process.

3.7.11 Authority to respond to Forestry Commission Consultations on Felling Licence applications, it being acknowledged that where technical or other related issues arise and an extension of time is sought, the application will be referred to the Committee.

3.7.12 Authority to formulate responses to Forestry Grant Scheme applications in cases where only new or additional tree planting is proposed.

3.7.13 Authority to approve contributions from the Maintenance Fund (for Listed and other Buildings of Historic Significance) provided that any Grant Aid to be offered is within the established criteria.

3.7.14 Authority to respond to notifications by Cellular Radio licensees and other 'code operators'

3.7.15 Authority to exercise powers under Section 56C of the 1971 Act (Section 56 of the **Planning Listed Buildings and Conservation Areas Act 1990**) in respect of emergency action with regard to demolition of unlisted buildings in conservation areas and listed buildings.

3.7.16 To determine all applications made for the approval of details under Schedules 15, 16, 17 and 18 of the **High Speed Rail (West Midlands - Crewe) Act 2021** except those which the Head of Development considers should be presented to the Planning Committee for decision.

3.7.17 Authority to take all necessary action and exercise the Council's powers **under Section 7 of the Tenant Fees Act 2019**.

3.7.18 **Neighbourhood Planning**

Authority in accordance with **Regulation 6 of the Town and Country Planning, (England) Neighbourhood Planning (General) Regulations 2012,** to publish and consult on a Neighbourhood Area Application proposed by the relevant qualifying body, prior to a decision being made under **Regulation 7 of the Town and Country Planning, (England) Neighbourhood Planning (General) Regulations 2012 .**

3.7.19 **Development Monitoring**

(a) Authority to prepare and publish such monitoring report(s) as required pursuant to **Section 35 of the Planning and Compulsory Purchase Act 2004.**

(b) Authority to prepare, maintain and publish a Brownfield Land Register pursuant to **Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.**

(c) Authority to prepare and publish an annual infrastructure funding statement as required by **Regulation 121A of Part 10A of the Community Infrastructure Levy Regulations 2010 (as amended by The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019).**

3.7.20 **Planning Policy Preparation**

(a) Authority to commission, prepare and publish such evidence reports as considered necessary to support the preparation and review of matters which affect the development of the Council's area including planning policies in accordance with **Section 13 of the Planning and Compulsory Purchase Act 2004** or government policy and guidance.

(b) Authority to make corrections and other minor and non-substantive changes to draft planning policy documents following their approval by cabinet but prior to their publication for public consultation.

3.8 Head of Wellbeing

3.8.1 Homelessness functions - Authority to

(a) place homeless persons in temporary bed and breakfast accommodation in emergency situations.

(b) provide a free housing advice service to persons in the authority's district, in accordance with the Housing Act 1996 (as amended).

(c) assess all eligible applicants and provide a personalised housing plan in accordance with the Housing Act 1996 (as amended).

(d) determine homelessness applications, including prevention and relief, in accordance with the Housing Act 1996 (as amended).

(e) determine all relevant applications for allocations and manage the waiting list in accordance with the Council's Allocation Policy.

(f) make nominations to registered social landlords or other approved providers in accordance with the Council's Allocation Policy.

(g) undertake emergency re-housing of homeless households in accordance with the Council's statutory duties.

(h) make payments (either in the form of a grant or loan) to third parties in order to prevent, or relief, homelessness in accordance with the Council's Policy.

(i) consider and determine appeals against the Council's refusal to include an applicant on the waiting list.

(j) consider and determine appeals against any Council decision relating to homelessness.

3.8.2 To consider and determine requests for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.

3.8.3 To take proceedings under the Housing Act 1985, Part 10, relating to an occupier causing or permitting overcrowding of a dwelling.

3.8.4 Matters under the Regulatory Reform Order - Housing Assistance

(a) To consider and determine requests for grants, loans and other assistance made available by the Council under any policy adopted in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 as amended.

(b) To authorise payments for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 or any subsequent amendments or enactments.

(c) To determine the relevant works, eligibility, maximum amount and conditions attached to any form of assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.

(d) To impose and enforce conditions including instigating the necessary steps for breach of condition in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.

(e) To determine requests to waive grant conditions in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.

3.8.5 Matters under the Housing Grants, Construction and Regeneration Act 1996

(a) To determine applications for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

(b) To authorise payments for Disabled Facilities Grants.

(c) To impose and enforce conditions in respect of Disabled Facilities Grants.

(d) To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants.

(e) To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996.

(f) To instigate the necessary steps for breach of condition.

(g) To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.

(h) To determine appeals against an assessment made for grant purposes under the Housing Renewal Grants Regulations 1996 and any subsequent amendments or enactments.

3.8.6 Direction of grant funding in accordance with the Council's Housing Strategy or Homelessness and Rough Sleeper Strategy, together with additional grant funding that becomes available for such matters as a result of changes in legislation and / or government policy.

3.9 Head of Transformation and Assurance

3.9.1 Authority to Implement national awards of pay and conditions of service.

3.9.2 Removal Expenses

(a) Authority to, in connection with removal expenses, sanction the incurring or paying of any allowance or payment intended to be recovered by this scheme.

(b) The Scheme will only apply to principal officers and above who purchase a house within the boundaries of Stafford Borough within one year of their employment commencement date and will have the following expenses reimbursed by the Council where actually incurred up to £2,500 or 15% of the commencement salary, whichever is the greater.

(c) The scheme will only apply to all officers up to and including senior officers who purchase a house in a location agreed as appropriate by the Head of Transformation and Assurance and will have the following expenses reimbursed by the Council where actually incurred.

(d) At discretion the grant of up to 2 days paid leave to officers when moving home.

3.9.3 Union Consultations

(a) Consultations with trade unions on matters affecting the conditions of service of staff generally.

(b) Where necessary, consultation with the staff side.

3.9.4 Implementation of decisions of the Council in respect of the **Health and Safety at Work Act 1974** etc.

3.9.5 Authority to pay car allowances.

3.9.6 Approval of attendance of officers on courses within approved estimates.

3.9.7 Authority to make ex-gratia payments up to £100 to employees for losses, not covered by insurance to clothing or personal belongings during employees normal employment.

3.9.8 Authority to deal with payments to widows of employees who die in service under Schedule 1 of the Stafford Corporation Gratuity Payment Scheme in accordance with Regulation 14 of the **Local Government Superannuation Regulations 1974** which required the authority to apply such scheme to those employees of the former Stafford Borough Council who are defined as transferred employees in accordance with Regulation J1.

3.10 Head of Housing and Corporate Assets

3.10.1 To undertake all relevant property management activities including the acquisition and disposal of interests in land and premises; management of property; rent reviews; lease renewal terms; accepting the surrender of leases (in consultation with the Legal service); granting licences; consents for assignments, sub-letting, alterations or improvements; variations to user clauses; proceedings for forfeiture; marketing; acquiring consents; granting wayleaves and easements; dealing with emergencies; appointing advisors; establishing and maintaining a property terrier; submitting planning and other applications.

3.10.2 To appoint a suitably qualified Officer(s) or agent(s) (where applicable and permitted):

(a) to act as the Council's land and property valuer.

(b) To fulfil the Councils obligations as Client under the Construction (Design and Management) Regulations 2015, and/or

(c) to undertake any aspects, scope or remit of industry recognised roles for any schemes or projects or development on land designed and managed by the Council, and

(d) to undertake and discharge all enforcement powers, duties, obligations, and responsibilities arising out of the Council having an interest in land and premises including, but not limited to, the role of the Council as landowner.

3.10.3 To authorise the grant of licences on standard terms where future applications are received to take over land which has been the subject of a prior Standard Licence Agreement and there are no overriding reasons to object to such a renewal.

3.10.4 To decline on behalf of the Council, offers to purchase or dispose of land where such a purchase or disposal does not accord with Council policy.