



Part 3

Responsibility for Functions :

SCHEME OF DELEGATIONS TO OFFICERS

Updated July 2016

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INTRODUCTION

This Scheme of Delegation set out below has been adopted by Melton Borough Council and is the list of delegations to officers under Section 101 of the Local Government Act 1972 and all other powers enabling delegation to officers.

The following powers and duties are delegated to the officers named within the normal constraints of the Council's policies but in the event of those officers being unavailable or unable to exercise the functions referred to, the following officers are authorised to act instead:

For the Chief Executive either of the Strategic Directors.

For a Strategic Director the Chief Executive.

For the Solicitor to the Council, the Chief Executive or the Monitoring Officer.

For the Head of Regulatory Services, the Regulatory Services Manager, Applications and Advice Manager(s), Lead Building Control Officer, Licensing Officer or Environmental Protection and Safety Manager as appropriate.

For the Head of Central Services, the Central Services Manager.

For those officers with delegated powers as detailed in this Part the Chief Executive or either of the Strategic Directors.

[In respect of the Proper Officer provisions; For the Consultant in Health Protection, his nominated colleagues in respect of the Public Health (Control of Diseases Act 1984 and National Assistance Act 1948 (as amended)].

N.B.

- (1) Where an officer is authorised under the Council's Rules of Procedure or any other document approved by the Council, the above provisions in respect of unavailability apply.
- (2) Officers with delegated powers may in writing, with the approval of the Chief Executive, authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers shall keep a register of all authorisations granted. Copies must also be sent :
 - To the Chief Executive: every authorisation
 - To the Head of Communications: authorisations relating to management of employees
 - To the Head of Central Services: authorisations to sign orders/requisitions, cheques, invoices for payment, timesheets, goods received notes, authority to raise/cancel invoices, petty cash, reimbursements and travel claims

GENERAL PROVISIONS

1	Any delegation to an Officer, which authorises the incurring of any expenditure, will be subject to there being sufficient budgetary provision to cover that expenditure.
2	Any delegation to an officer to take action under a statutory provision shall be deemed to authorise action under any statutory re-enactment of that provision.
3	Any delegations to an officer shall require that delegation to be exercised in compliance with the Council's Standing Orders for Proceedings and Business, Financial Procedure Rules, Contract Procedure Rules and any other conditions imposed either by the Council or by statute and any Code of Practice relating to specific functions which may be adopted.
4	Where delegated powers or Proper Officer functions have been granted to a post on the Council's staff and the designation of such post is changed then such delegated powers or Proper Officer functions shall vest in the post-holder of the new post designation.
5	All Heads of Service with the exception of the Head of Regulatory Services have delegation to seek planning permission under the Town and Country Planning General Regulations 1992 and to give to the local planning authority any written notice required by the Regulations

DELEGATION MATTERS SUBJECT TO CONSULTATION WITH CHAIRMAN (OR VICE-CHAIRMAN IN ABSENCE)**Power to act out of meeting – General Power**

	<p>Where, in his/her opinion, by reason of limitation of time or urgency a decision is required on any matter, (other than those specifically excluded from delegation) the Chief Executive shall have power to make a decision on that matter, subject to consultation with the Chairman of the appropriate committee and the Political Group Leaders, on the action to be taken.</p> <p>This power shall not apply to:</p>
	<ul style="list-style-type: none">(a) Matters reserved to the Council by statute or common law without power of delegation to a committee.(b) The setting of Council taxes.(c) Incurring of expenditure for which no allowance has been made in the annual budget unless the approval of the Leader, and the Chairman of the Policy, Finance and Administration Committee has been given to such expenditure.(d) Any proposal which involves the formulation of a major new policy or a major variation of an existing major policy.(e) Any matter on which the Council or a policy committee has given a specific direction.

	Note: At the next ordinary meeting of the appropriate committee a report is to be submitted setting out all relevant information in relation to the action taken and detailing the reasons why it was necessary to deal with the matter out of meeting.

GENERAL DELEGATIONS TO ALL HEADS OF SERVICE	
1.	To appoint consultants in connection with any matters falling within his/her area of responsibility up to a limit of £ 5085 ,000 subject to compliance with the Council's Contract and Financial Procedure Rules.
2.	To respond to consultations by Government departments or agencies or other national bodies on proposals generally within his/her remit in consultation with the relevant Committee Chairman.
3.	To enter into contracts necessary to perform the duties of the post subject to compliance with the Contract Procedure Rules and subject to approved budget provision and the submission of all contract details to the Contract Management System.

GENERAL DELEGATIONS IN CONNECTION WITH STAFFING MATTERS	
	All officers specified in column 'B' below shall have delegated authority to deal with those matters specified in column 'A'. Please note that these General Delegations are given subject to:
	(a) the general rules and controls on delegation being followed as issued by the Head of Communications on behalf of the Policy, Finance and Administration Committee;
	(b) any statutory provisions or requirements;
	(c) any other guidelines given from time to time by the Chief Executive or Strategic Directors where overriding corporate, financial or recruitment controls are to be strictly observed.

A	B
To appoint employees below deputy chief officer level (as defined by section 2(8) of the Local Government and Housing Act 1989) in the approved establishment irrespective of the grading of such posts.	Chief Executive and Strategic Directors
To take dismissal procedures in respect of employees	Chief Executive and Strategic Directors
To take disciplinary procedures in respect of employees within their services in line with the Disciplinary Procedure	Chief Executive, Strategic Directors and Designated Officers
To authorise staff post entry training in accordance with approved scheme.	Head of Communications
To convert non-contributing into contributing service for superannuation purposes in accordance with approved scheme.	Head of Central Services
In consultation with the Management Team, to authorise the acceleration of increments within approved grades.	Chief Executive, Head of Communications
In consultation with Management Team, to alter the designations of posts in the approved establishments.	Chief Executive, Head of Communications
To authorise necessary overtime working and payment where appropriate for staff and workmen in accordance with National Schemes of Conditions of Service.	All Heads of Service
In consultation with Management Team, to authorise overtime for staff above the normal overtime limit laid down in the National Scheme of Conditions of Service.	Chief Executive Head of Communications
<u>To approve the payment of overtime for officers at Band 13 and above</u>	<u>Chief Executive/Strategic Directors</u>
In consultation with Management Team, to approve minor additions to the approved staff establishment subject to :-	Chief Executive, Head of Communications
(1) There being adequate budgetary provision OR	
(2) In each case the gross cost not exceeding £5,000 per annum when implemented AND	
(3) The total cost in any financial year not exceeding the sum of £20,000 AND	
(4) Members of the Policy, Finance and Administration Committee being informed of any such changes annually when updated copies of the Council's staff list are issued.	

A	B
In consultation with Management Team, to authorise the temporary additions to the establishment and appointment of staff subject to there being adequate budgetary provision.	Heads of Service/Chief Executive/ Strategic Directors.
In consultation with Head of Services, to terminate temporary employment contracts and authorise any appropriate statutory payments which may be due.	Head of Communications
In consultation with the Evaluation Panel to determine appropriate salary grades for new posts and those where there have been significant changes in duties and responsibilities.	Heads of Service/ Strategic Director/ <u>Third tier Officers</u>
To arrange for full medical examinations for Strategic Directors and Head of services as and when it is considered desirable to do so.	Head of Communications
To engage, at his/her discretion, a Medical Adviser as and when required (on a sessional basis) to examine, report and advise on medical matters affecting individual employees of the Council.	Head of Communications
In consultation with Management Team, to make honoraria payments which fall entirely within the National Scheme of Conditions of Service.	Chief Executive/ Heads of Service
In consultation with the Evaluation Panel, to deal with salary regradings not associated with an overall structural review. Note: Any subsequent appeals against the refusal of applications are considered and determined by the JE Appeals Panel.	Strategic Director/ Heads of Service/ <u>third tier managers</u>
To prepare and maintain a list of politically sensitive posts as required under Section 2(2) of the Local Government and Housing Act 1989.	Head of Communications
To give a certificate under Section 3 of the Local Government and Housing Act 1989.	Head of Communications
In consultation with the Chief Executive and Strategic Directors, to effect dismissals on the grounds of permanent ill health, including the effective day of any such dismissal. (Action taken to be reported to the Policy, Finance and Administration Committee).	Head of Communications
In consultation with Management Team, and the Head of Communications, to approve future amendments and updates of the Health and Safety Policy.	Chief Executive
To grant special leave, with or without pay.	Chief Executive and Strategic Directors
To approve attendance of staff, within their service, at meetings, conferences, courses and seminars of not more than one week's duration.	All Heads of Service

A	B
To approve attendance of staff, within their service, at meetings, conferences, courses and seminars of more than one week's duration.	Chief Executive , Strategic Directors and Heads of Service
To manage the Council's retirement gifts and long service awards scheme.	Head of Communications
In consultation with the Head of Central Services, to increase the "top-up" payments for youth training placements on 1 April each year in line with inflation, rounded to the nearest pound.	Head of Communications
In consultation with Management Team, to make any necessary amendments to the Council's Employment policies, procedures and practices in order to comply with the provisions of all related employment legislation and the Council's Policy Statement.	Head of Communications
To make amendments to departmental establishments which do not involve the creation of additional posts or full time equivalent posts within the relevant designated work activity.	Chief Executive Head of Communications

CHIEF EXECUTIVE

The Chief Executive has delegated authority :

1.	To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough and to exercise the powers, functions and duties of the Council in connection with Emergency Planning and Business Continuity Planning.
2.	To exercise powers delegated to any officer when that officer is unable or unwilling to act.
3.	To co-ordinate the issue of all official publicity, press statements and official publications.
4.	To ensure that the Council's policy objectives are being delivered.
5.	To ensure that performance indicators, which are consistent, clear and measurable, are introduced and applied across the range of the Council services.
6.	To consider and respond to complaints to the Ombudsman subject to any power reserved to the Governance Committee.
7.	To approve the making of Orders altering the number of Parish Councillors for any Parish.
8.	To act as Returning Officer for Parish Polls.
9.	In consultation with Management Team to employ outside consultants and firms in cases where he/she is satisfied that it is necessary to do so in order to carry out work which cannot be dealt with by in house staff.
10.	To approve the payment of travelling and/or subsistence expenses in any case not specifically covered by the Members' Allowances Scheme where he/she is satisfied it is reasonable to do so in accordance with the Council's protocol.
11.	To administer and ensure compliance with the requirements of Section 13-17 of the Local Government and Housing Act 1989.
12.	Where the Council or any Committee has determined the allocation to different political groups of the seats on a body to which Section 15 of the Local Government and Housing Act 1989 applies, to make appointments to that body so as to give effect:- (a) as soon as practicable after the determination; and (b) if a vacancy subsequently occurs on that body, as soon as practicable after the occurrence of the vacancy,

	<p>to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group.</p> <p>With regard to (b) above, this to apply for genuine reasons such as resignation or illness, once political balance has been agreed by the Council. The above does not apply if the appointment in question is not required to be politically balanced – in this case the appointment to be determined by the Council.</p>
13.	To sign and seal documents on behalf of the Council as required.
14.	In consultation with the Welland Partnership Board, to formulate and implement, subject to budgeting provision being made available for the furtherance of the Welland Partnership or activities that the Partnership is carrying out, proposals in pursuance of the Welland Partnership Board's direction and determinations.
15.	May act in the interests of the Council or the community or incur any expenditure where there is a genuine urgency. This authority to be exercised only after consultation with the Head of Central Services and either the Chair or Vice-Chair of the relevant Committee and the action taken to be reported back to the next Committee subject to any needs for confidentiality.
16.	To authorise and approve surveillance under the Regulation of Investigatory Powers Act.
17.	Approval to make compensation payments of over £250 and up to £10,000 with the Section 151 Officer and an agreement from the Legal department <u>and consultation with the Monitoring Officer</u> .

MONITORING OFFICER

The Monitoring Officer has delegated authority :

1.	To authorise amendments to the Constitution following legislative or other statutory changes and minor procedural and operational changes. Such changes to be reported to the Governance Committee.
2.	To undertake necessary actions to ensure compliance with the requirements specified in the Data Protection Acts, Freedom of Information Act 2000, Regulation of Investigatory Powers Act 2000 and Money Laundering awareness and avoidance processes in line with general practice.
3.	To ensure an appropriate information security policy is in place and enforced throughout the organisation.

HEAD OF CENTRAL SERVICES

The Head of Central Services has delegated authority :

1.	Generic To appoint consultants in connection with any matters falling within his/her area of responsibility.
2.	To carry out the duties of "Supervising Officer" to contracts within the scope of his/her responsibilities or nominate another officer to carry out such duties where the contract appoints a Supervising Officer.
3.	To make application to Government agencies and other organisations for grant aid or financial assistance on behalf of the Council in respect of matters falling within his/her area of responsibility.
4.	To select contractors to tender for work or supply services to the authority and to compile and maintain lists of selected tenderers in accordance with "Contract Procedure Rules".
5.	To write off any equipment or goods which he/she is satisfied are of no further use to the Council and dispose of the same provided that the process and procedure followed is in line with financial procedure rules and the value of each individual item does not exceed an amount specified in the Council's Financial Procedure Rules.
6.	To enter land and premises and to authorise named employees to enter land and premises for all statutory purposes falling within his/her area of responsibility.
7.	To authorise other officers within his/her division to carry out any of the functions specified herewith. To act on all matters concerned with the implementation of the Council's tourism policy.
8.	To respond to consultation by outside bodies on behalf of the Council.
9.	To authorise the purchase of supplies and equipment in accordance with the requirements of the service.
10.	To respond to consultation by Government agencies on proposals generally within his/her remit.
11.	Financial To determine the accounting and financial control arrangements for all the Council's activities, including the standards to be followed throughout the Council.
12.	To administer all of the Council's income and payment arrangements.
13.	To ensure that the administration of the Council's financial affairs accords with statutory requirements.

14.	<p>To sign:</p> <p>(a) all cheques, drafts, promissory notes, acceptances, negotiable instructions and orders expressed to be drawn, accepted, made or given on behalf of the Council at anytime or times, and instructions for the transfer of monies between the Council's accounts;</p> <p>(b) all instructions to deliver and dispose of any securities or documents or property held by the Bank on behalf of the Council;</p> <p>(c) documents or letters instructing the Council's Bankers in relation to the collection and repayment of loans and also in relation to the deposit of surplus funds and the recall of such deposits, and</p> <p>(d) instructions relating to BACS processing.</p>
15.	To make any amendments to the list of authorised signatories relating to the banking services for the Council.
16.	To sell or foreclose on mortgaged premises after consultation with the Chairman of Policy, Finance and Administration Committee.
17.	To implement the Council's Treasury Management Policy (including the taking of all executive decisions on borrowing, investment and financing).
18.	To remit charges or write-off irrecoverable debts up to a limit of £2,000 in respect of each individual debt and in excess of £2,000 in respect of each individual debt in consultation with the Chairman of the Policy, Finance and Administration Committee.
19.	To operate such banking arrangements as may be considered necessary, including the maintenance of a list of authorised signatories and to enter into any indemnities or agreements as might be required in relation to the provision of banking services to the Council. To appoint consultants in connection with any matters falling within his/her area of responsibility.
20.	To submit, in liaison with the appropriate officer, all claims to Government Departments or other bodies for grant monies.
21.	To determine the timetable for the budget process in general conformity with the budget and Policy Framework Procedure Rules.
22.	To approve applications from appropriate officers to virements of all or part of an approved budget to another expenditure head up to £50,000.
23.	To raise finance by way of leasing for vehicles, plant, machinery, furniture and other equipment where monies have been provided within the approved budget for the acquisition and leasing. To ensure that in raising finance through a leasing contract the Council complies with the capital finance rules and regulations.
24.	To administer the insurance arrangements of the Council, obtaining appropriate cover and settling claims.
25.	To settle, in consultation with the Solicitor to the Council, uninsured losses up to

	a limit of £5,000.
26.	To promote and co-ordinate risk management initiatives.
27.	To review, annually, the financial limits in Contract Procedure Rules, Financial Procedure Rules and the Scheme of Delegation to Officers because of changes in the value of money. (These changes to take effect from 1 April in the particular year.) The details of such changes to be reported to the next Policy, Finance and Administration Committee.
28.	To administer and effect the payment of all remuneration, compensation and other emoluments as may be deemed necessary.
29.	To authorise refunds of superannuation contributions where an employee has been dismissed for gross misconduct and the Authority has suffered no financial loss.
30.	To review, at least biennially and in consultation with the Management Team, the Financial Procedure Rules to ensure that they remain appropriate for the Council's operational needs (proposed changes to be submitted to the Governance Committee and Policy, Finance and Administration Committees for consideration).
31.	To pay accounts for goods and/or services provided to the Council, provided that they have been properly certified and he/she is satisfied about legality and compliance with Contract Procedure Rules and Financial Procedure Rules.
32.	To pay approved allowances and expenses for Members and officers.
33.	<p>In consultation with the appropriate Head of Service to increase charges annually for Council services:</p> <ul style="list-style-type: none"> (i) by an amount up to any increase in the Retail Price Index for the relevant period; (ii) where legislative changes affect the cost of providing a service; (iii) where the increase is related to a countywide agreement. <p><u>(iv) to increase charges to take account of any changes to the VAT rate</u></p> <p>Note: The Head of Central Services is also authorised to round up or down the actual charge to be levied to the nearest appropriate figure deemed reasonable by him/her and not to make an increase in any charge if he/she considers it inappropriate to do so.</p>
34.	Where legislation sets out a maximum charge for a Council service, to set the maximum except in circumstances where he/she is satisfied it is not appropriate to do so after consultation with the appropriate Head of Service. Where new charges are subject to a statutory right of objection the Head of Central Services is empowered to determine the proposed charge in accordance with this delegation which shall then be made if no objections are received under the relevant statutory procedure. In the event of objections being received the relevant policy committee is empowered to determine the charge to be made after consideration of the objection.

35.	To automatically implement changes in travelling and subsistence allowances payable to Members from the dates and in accordance with the rates specified by the Secretary of State.
36.	To authorise amendments to the Contract and Financial Procedure Rules within the Constitution following legislative or other statutory changes and minor procedural and operational changes. Such changes to be reported to the Governance Committee.
37.	To reduce the authorised spend of schemes within the capital programme to bring budgets in line with actual expenditure to reflect any underspends on schemes.
38.	To oversee the review of Members' Allowances.
39.	To determine on an annual basis the setting /calculation of: <ul style="list-style-type: none"> • National Non Domestic Rate 1 Form – NNDR1 • Council Tax Base
40.	In consultation with the Head of Communities and Neighbourhoods to make any necessary changes to the Retail Relief Scheme, in accordance with further guidance from Central Government, consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the scheme.
41.	Legal To sign indemnities where they are required to enable the Council to exercise any of its functions.
42.	To approve the payment of claims for diminution in value not exceeding £15,000 in each case, under the terms of the Land Compensation Act 1973 (Part 1).
43.	ICT To co-ordinate the provision of Information and Communications Technology in accordance with the Council's IT Strategy and Development Plan.
44.	To establish appropriate corporate purchasing arrangements for IS/IT goods and services.
45.	To establish corporate procedures and standards in IS/IT areas for approval by the Council.
46.	To select contractors to tender for the supply of IS/IT goods or services to the Council
47.	<u>48. To approve technical IT policies and make minor changes to all IT policies;</u>

<u>47-49</u>	To appoint consultants to carry out IS/IT projects for the Council
<u>48-50</u>	To purchase Information Systems/Information Technology equipment and goods.
<u>49-51</u>	Council Property To manage and authorise the use of Council rooms, premises and facilities for letting purposes.
<u>50-52</u>	To approve the fee or rent in respect of the letting of Council rooms, premises or facilities.
<u>51-53</u>	To approve a concession for the use of the civic suite rooms 1 and 2 in consultation with a member of Corporate Management Team.
<u>52-54</u>	To maintain the Council's Asset Register.
<u>53-55</u>	To maintain and manage the Council's office accommodation, other property and land not subject to the delegation of any other officer.
<u>54-56</u>	To deal with lost or uncollected property in respect of Council land and property not used as housing land or property.
<u>55-57</u>	To authorise the closure of public conveniences owned by the Council without notice in emergencies in the interests of public safety.
<u>56-58</u>	To enter into such agreements with external partners as may facilitate arrangements for resident's parking schemes.
<u>57-59</u>	To determine, in consultation with the Solicitor to the Council, appropriate conditions under which vehicles may be parked in off-street car parks provided under Section 33 of the Road Traffic Regulation Act 1984.
<u>58-60</u>	To authorise the issue of excess charge notices to owners of vehicles parked in contravention of Off-street Parking Orders made under Section 33 of the Road Traffic Regulation Act 1984.
<u>59-61</u>	To appoint officers for the supervision of parking places as provided in Section 25(9) of the Road Traffic Regulation Act 1984.
<u>60-62</u>	To respond as may be considered appropriate to any consultation made by the County Council under Section 39 of the Road Traffic Regulation Act 1984 as to Parking Place Orders or letting arrangements.
<u>61-63</u>	To issue excess charge notices under Section 108 of the Road Traffic Regulation Act 1984.
<u>62-64</u>	To determine appeals made against the issue of excess charge notices.
<u>63-65</u>	To administer the maintenance of Council-owned car parks.
<u>64-66</u>	To effect the taking or the grant, renewal, rent assignment, transfer, surrender review and termination of any leases, licences, easements, wayleaves, consents and rights in land or buildings, the income from which does not exceed £20,000

	per annum or a premium payable does not exceed £20,000 per annum.
<u>65-67</u>	To determine the compensation payments at the termination or surrender of leases or tenancies to which the Council may be liable under any Landlord and Tenant Act in consultation with the Solicitor to the Council.
<u>66-68</u>	To value or approve valuations or appoint a Valuer to act as Council's Valuer in respect of any valuation work whether for asset accounting purposes, rent reviews, acquisition or disposal of property either on an individual case basis or generally.
<u>67-69</u>	To let and manage all the Council's industrial properties including the serving of all relevant notices and taking any appropriate action.
<u>68-70</u>	To seek the consent of statutory bodies or owners and occupiers of land when required to facilitate Council proposals.
<u>69-71</u>	To seek the consent of statutory bodies or owners and occupiers of land when required to facilitate Council proposals.
<u>72.</u>	<u>To vote in the BID ballot in consultation with the Head of Communities & Neighbourhoods reflecting members wishes as expressed by the relevant Policy committee</u>
<u>70-73</u>	<p>Legislation</p> <p>In respect of the legislation below, all regulations, amendments or replacements of such legislation, all regulations or orders made thereunder and new legislation within the areas of responsibility of the post :-</p> <ul style="list-style-type: none"> • Civil enforcement of Parking Contraventions (England) General (Amendment) Regulations 2008 • Local Government Act 1972 • Road Traffic Act 1984 <p>To exercise the duties and responsibilities, both discretionary and statutory, including licensing conferred on Melton Borough Council and</p> <ol style="list-style-type: none"> (a) To enter and monitor premises to inspect, examine, investigate, sample test, condemn, carry out works and seize any articles in connection with and under the Council's powers; (b) To make sign and serve requisitions, notices, orders, warrants, authorisations and make charges and institute proceedings for offences; (c) To issue licences, make fines, award and pay grants and other assistance, make payments and pay compensation; (d) To authorise other officers of the Council to do any of the above; (e) To exercise and authorise all forms of enforcement including the service of notices and the issue of cautions and all ancillary processes; (f) To enter land premises and to authorise named employees as appropriate to enter land and premises including the seeking of warrants for the various purposes specified in the above legislation.
<u>71-74</u>	To act as the Council's Equal Opportunities Monitoring Officer.

72.75	In consultation with the Head of Communities and Neighbourhoods to adopt local business rate relief schemes, where it is in the interest of local businesses and the Council to do so, following guidance from Central Government.
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SOLICITOR TO THE COUNCIL

The Solicitor to the Council has delegated authority :

1.	To effect the purchase of minor land transactions subject to approval of the Head of Central Services where the sale price or the annual rent or the additional annual rent or other compensation is not in excess of £12,000.
2.	Dispose of land and to grant easements, leases, licences in respect of any land held by the Council which has been identified as surplus to requirements and has a value confirmed by the Corporate Property Officer or other Council's valuer of less than £50,000 in consultation with the Corporate Property Officer, Head of Central Services and either the Chief Executive or Strategic Officer and the Chairman of the Policy, Finance and Administration Committee. All such disposals to be reported to the next Policy, Finance and Administration Committee.
3.	To take or authorise the taking of action under the Landlord and Tenant or Property Acts.
4.	Legal Proceedings To institute, defend, appear and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal on behalf of and in the name of the Council and in particular: (a) to instruct and retain Counsel and obtain advice in relation to any matter whenever this is considered to be in the interest of the Council and (b) to settle proceedings of any description including the payment of damages, compensation etc. and legal costs for claims of less than £15,000 in consultation with Management Team.
5.	To authorise officers to appear in any civil or criminal court or tribunal, and act as 'authorised officers' for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
6.	Service of Notices, Confirmation of Orders and Sealing of Documents etc. To authorise, issue and serve all Statutory Notices (including Requisitions for Information) under any enactment. The Solicitor to the Council may exercise the power of another officer to authorise, issue and serve such notices when that officer is unable or unwilling to act.
7.	To take all steps incidental to completing or obtaining the confirmation of any Order or other formal proceedings made by the Council.
8.	To sign and seal documents.

9.	<p>General</p> <p>In consultation with the Head of Regulatory Services to enter into agreements pursuant to Section 106 of the Town and Country Planning Act 1990 on such terms and conditions as he/she deems appropriate.</p>
10.	To enter into agreements on behalf of all services under various Acts of Parliament where the service authorised officer is unavailable.
11.	To take appropriate action to remove unauthorised trespassers and encampments from Council owned land and premises.
12.	To deal with all consents for assignments, sub-lettings, alterations, changes of use and underleases, and all lettings, tenancies or licences of less than 3 years which are granted outside the security tenure provisions of the Landlord and Tenants Acts.
13.	To authorise and implement as appropriate negotiations and assessment of rental figures for notices in connection with rent reviews and lease renewals for land and buildings in accordance with the recommendations of the Council's Valuer.
14.	To approve the purchase prices and all compensation payable in respect of land and buildings included in Compulsory Purchase Orders or authorise acquisitions by agreement in advance or alternative to the making of a Compulsory Purchase Order.
15.	To approve the purchase prices and compensation payable in respect of land and buildings which are the subject of Council resolutions relating to Closing and Demolition Orders and accepted Blight Notices.
16.	To authorise urgent action to protect the Council's legal or financial position in relation to the management of property in consultation with the Leader of the Council, the Chief Executive, Head of Central Services and Monitoring Officer (if availability and time allows so as not to slow down the action).
17.	In accordance with appropriate terms agreed by the Council's Valuer power to renew leases in respect of Council owned property where legally the Council has no discretion to do otherwise.
18.	To instruct Counsel, Solicitors or other legal representation to carry out any legal work for the Council.
19.	To enter into Deeds of Rectification subject to such Deeds being compatible with the original purpose.
20.	To authorise payments under Section 92 of the Local Government Act 2000 where, in his/her opinion there has been a genuine case of mal-administration in consultation with Management Team and the Leader of the Council, subject to a

	report being made to the next Policy, Finance and Administration Committee.
21.	To settle proceedings of any description including the payment of damages, compensation etc. and legal costs for claims in excess of £15,000 and up to a limit of £50,000 in consultation with Management Team and the Leader of the Council, subject to a report on the action taken being submitted to the next meeting of Council.
22.	To designate such persons to make the application for judicial approval under s222 LGA 1972.

CORPORATE PROPERTY OFFICER

The Corporate Property Officer has delegated authority :

1.	To effect the taking or the grant, renewal, rent assignment, transfer, surrender review and termination of any leases, licences, easements, wayleaves, consents and rights in land or buildings, the income from which does not exceed £20,000 per annum or a premium payable does not exceed £20,000 per annum.
2.	To determine the compensation payments at the termination or surrender of leases or tenancies to which the Council may be liable under any Landlord and Tenant Act in consultation with the Solicitor to the Council and the Head of Central Services.
3.	To value or approve valuations or appoint a Valuer to act as Council's Valuer in respect of any valuation work whether for asset accounting purposes, rent reviews, acquisition or disposal of property either on an individual case basis or generally.
4.	To negotiate Heads of Terms in respect of any land transaction whether of freehold or leasehold or other tenure, including value, liability for fees and charges and taxes and compensation in respect of any transaction in consultation with the Head of Central Services and the Solicitor to the Council.
5.	To let and manage all the Council's industrial properties including the serving of all relevant notices and taking any appropriate action.
6.	To make objections to and proposals for altering the valuation list.
7.	To approve a concession for the use of the civic suite rooms 1 and 2 in consultation with a member of Corporate Management Team.
8.	To enter into agreements and to serve notices to quit under the Allotment Acts 1908/1950.

HEAD OF COMMUNICATIONS

The Head of Communications has delegated authority :

1.	To appoint consultants in connection with any matters falling within his/her area of responsibility. In consultation with Management Team to employ outside consultants and firms in cases where he/she is satisfied that it is necessary to do so in order to carry out work which cannot be dealt with by in house staff
2.	To carry out the duties of "Supervising Officer" to contracts within the scope of his/her responsibilities or nominate another officer to carry out such duties where the contract appoints a Supervising Officer.
3.	To make application to Government agencies and other organisations for grant aid or financial assistance on behalf of the Council in respect of matters falling within his/her area of responsibility.
4.	To select contractors to tender for work or supply services to the authority and to compile and maintain lists of selected tenderers in accordance with "Contract Procedure Rules".
5.	To write off any equipment or goods which he/she is satisfied are of no further use to the Council and dispose of the same provided that the process and procedure followed is in line with financial procedure rules and the value of each individual item does not exceed an amount specified in the Council's Financial Procedure Rules.
6.	To enter land and premises and to authorise named employees to enter land and premises for all statutory purposes falling within his/her area of responsibility.
7.	To authorise other officers within his/her division to carry out any of the functions specified herewith. To act on all matters concerned with the implementation of the Council's tourism policy.
8.	To respond to consultation by outside bodies on behalf of the Council.
9.	To authorise the purchase of supplies and equipment in accordance with the requirements of the service.
10.	To respond to consultation by Government agencies on proposals generally within his/her remit.
11.	Human Resources To determine discretionary provisions which are included in the National Schemes of Conditions of Service.
12.	To deal with all matters relating to the appointment of employees within the approved establishments and post entry training which are not delegated to any other officer or a Committee.
13.	To deal with all matters relating to the recruitment, training, terms of employment, education, health, safety and welfare matters in relation to Council employees which are not delegated to any other officer.

14.	To authorise variations in the approved scheme for relocation expenses for newly appointed staff in any individual case
15.	To administer and authorise all training for and deal with all matters relating to the development of a good practice of Members of the Council not delegated to any other officer.
16.	To implement any changes of procedure agreed by the Joint Staff Consultation Group so far as these procedures fall within the remit of the Group and to implement any procedural policy relating to human resources and communication which has been through the Joint Staff Consultation Group and has been approved at the appropriate Committee.
17.	Members' Administration To <u>overview and</u> administer the Council's Members' Allowances Scheme pursuant to the Local Authorities (Members' Allowances) Regulations 1994 <u>2003</u>
18.	To authorise attendance by Members at conferences/seminars etc., providing that there is adequate budgetary provision and in accordance with the Council's protocol.
19.	
19-20	Customer Services Promotion of the effectiveness of the front-back office split of work to the benefit of the customers of the Council and to promote a Council-wide one-team approach.
20-21	The management and the day-to-day operation and the general functions of the Customer Services, to include: (a) Providing information, guidance and advice to the general public for all enquiries made in person, telephone or e-mail. (b) Processing of a variety of applications and bookings for a multiple of — services (c) The handling, monitoring and ensuring resolutions for complaints.
21-22	To manage, develop and promote the CRM.
22-23	Other In consultation with the Chief Executive, to administer the Council's Performance Management System and make such arrangements for its operation as he/she considers appropriate.
23-24	To deal with all matters relating to Public Relations and Communications <u>in line with the agreed policy.</u>
24-25	To manage, develop and promote the Council's website.
25-26	To manage the corporate resource for change to ensure effective project management given to tasked objectives.
26-27	In consultation with the Head of Central Services to agree application of the Discretionary Pension powers. The financial implications in each instance will be considered individually and the discretion will only be allowed where it is in the

	best financial interests of the Council.
27-28	In consultation with the Head of Central Services when a Member or employee dies in service, to have discretion to waive overpayment of allowance or salary up to a maximum of £1,000.
28-29	To update the Protocol for Audio Recordings at Meetings and the Hints and Tips document in accordance with local arrangements and best practice.
29-30	To amend the ICT Protocol for Members in line with best practice and changes to legislation.

HEAD OF COMMUNITIES AND NEIGHBOURHOODS

The Head of Communities and Neighbourhoods has delegated authority :

1.	To appoint consultants in connection with any matters falling within his/her area of responsibility.
2.	To carry out the duties of "Supervising Officer" to contracts within the scope of his/her responsibilities or nominate another officer to carry out such duties where the contract appoints a Supervising Officer.
3.	To make application to Government agencies and other organisations for grant aid or financial assistance on behalf of the Council in respect of matters falling within his/her area of responsibility.
4.	To select contractors to tender for work or supply services to the authority and to compile and maintain lists of selected tenderers in accordance with "Contract Procedure Rules".
5.	To write off any equipment or goods which he/she is satisfied are of no further use to the Council and dispose of the same provided that the process and procedure followed is in line with financial procedure rules and the value of each individual item does not exceed an amount specified in the Council's Financial Procedure Rules.
6.	To enter land and premises and to authorise named employees to enter land and premises for all statutory purposes falling within his/her area of responsibility.
7.	To authorise other officers within his/her division to carry out any of the functions specified herewith. To act on all matters concerned with the implementation of the Council's tourism policy.
8.	To respond to consultation by outside bodies on behalf of the Council.
9.	To authorise the purchase of supplies and equipment in accordance with the requirements of the service.
10.	To respond to consultation by Government agencies on proposals generally within his/her remit.
11.	Housing To carry out all processes and procedures related to the Council's Housing function.
12.	To effect the allocation of tenancies for all Council dwellings in accordance with the Council's Housing Allocations Scheme.
13.	To let or allocate Council garages, Council sites and parking plots in accordance with the Council's Housing Asset Management Plan and Land Acquisition and Disposal Policy and in consultation with the Corporate Property Officer.
14.	To lease on behalf of the Council accommodation on a short-term basis for use

	of temporary housing of homeless families subject to:- The number of the properties being leased not exceeding 5 <i>without the approval of the Head of Central Services.</i>
15.	To re-purchase former Council houses subject to consultation of the Head of Central Services, the Chairman of Community and Social Affairs Committee and the Corporate Property Officer.
16.	To deal with lost or uncollected property in respect of Council dwellings and garages.
17.	To determine requests for the consent of the Council to carry out works and in respect of any other matters in connection with covenants imposed in Conveyances relating to the sale of Council houses and land.
18.	To implement and supervise the approved Council House Improvement Programme.
19.	To approve the transfer and mutual exchanges of Council house tenants.
20.	To carry out the Council's duties towards those who are homeless or threatened with homelessness under the Housing Act 1996.
21.	To manage the Council's homeless persons units and other accommodation provided under the Housing Acts.
22.	To be responsible for the authorisation or otherwise of applications to park cars, alterations, improvements, fittings, additions or works to/at a Council dwelling-house (as defined in S.112 of the Housing Act 1985) proposed by tenants.
23.	To provide temporary Council housing accommodation to tenants or householders whose normal accommodation is undergoing improvement.
24.	To arrange for and provide valuations to the Solicitor to the Council in respect of "Right to Buy" applications.
25.	To determine applications for assistance under the assisted transfer scheme in accordance with the scheme approved by the Council and having regard to the individual circumstances of each case.
26.	In consultation with the <u>Financial Inclusion Officer, Housing, Welfare and Revenue Manager</u> to determine amend the set charge to be made the amount of the to individual charge to be made to homeless families for providing bed and breakfast accommodation <u>in exceptional circumstances</u> having regard to the means of the applicant and the cost incurred by the Council.
27.	To carry out re-decorations on change of tenancy or to make grants in lieu in accordance with approved policy.
28.	To determine the right of succession to secure tenancies where the tenant's family cannot reach agreement (S.89(2) Housing Act 1985).
29.	To issue Certificates under Schedule 4 of the Rent (Agriculture) Act 1976.

30.	To complete the Housing Investment Programme financial statement and returns and to prepare a general housing strategy statement in accordance with the Council's approved policies.
31.	To determine which Housing Association should be allocated individual schemes under Section 50 of the Housing Act 1988 where appropriate.
32.	In consultation with the Head of Central Services to approve schemes in accordance with the Council's approved capital programme.
33.	In consultation with the Financial Inclusion Officer to waive charging a former tenant for any works carried out by the Council to common parts affecting a Council dwelling if he/she is satisfied that it would not be practicable or economic to seek to recover the cost incurred.
34.	In accordance with any policy approved by the Council to make charges for special repairs to dwellings.
35.	To engage a Medical Adviser to examine, report and advise on medical matters affecting applicants for housing accommodation.
36.	To collect due rents from tenants of Council housing accommodation and garages and to institute legal proceedings for recovery of rent arrears.
37.	To determine tenancies for the failure to comply with the tenancy condition relating to payment of rent and to institute and appear in subsequent Court proceedings.
38.	To charge only 50% of the basic rent in respect of second rooms in Homeless Persons Units where he/she is satisfied that it is reasonable in view of exceptional financial hardship following consultation with the Head of Central Services.
39.	Economic Development To prepare and submit applications for regeneration funding to the UK Government, the European Commission and other providers of external funding for which the Council may become eligible, and to accept such funding on behalf of the Council.
40.	With regard to European funding, the power to sign off public authority certificates.
41.	The power to market the services of the Council for Economic Development.
42.	To prepare and implement economic development and tourism strategies.
43.	To make representations on the economic development and tourism strategies of other organisations.
44.	To exercise the functions of the Council in respect of industrial and economic promotion including the provision of advice and information to industry and business.

45.	Policy Development To manage strategic inquiries and policy development affecting the Borough as a whole.
46.	To exercise powers available to the Council under the Highways Act 1980 in the exercise of its functions as a District Council.
47.	To respond on behalf of the Council to consultations by the County Council on proposed traffic regulation orders; the creation, diversion, extinguishment or stopping up of rights of way; highways alterations, improvements and creation of new roads, traffic management arrangements and control of use of highways.
48.	To make representations and observations to the Local Planning Authority on the land and surface water drainage issues arising from new development proposals.
49.	To determine the siting of bus stops and bus shelters in consultation with service operators and Ward Councillors.
50.	To determine the form and siting of street furniture, amenities and footway lighting.
51.	Council Tax and Housing Benefit To administer, formulate and amend the Council's procedures to deal with debt recovery and to take any action including the instigation of legal proceedings and the authorisation of officers to appear in court in connection therewith.
52.	To remit charges or write-off irrecoverable debts up to a limit of £500 in respect of each individual debt (£1,000 in respect of business rates) and in excess of £500 (£1,000 in respect of business rates) in respect of each individual debt in consultation with the Head of Central Services.
53.	To write-off as irrecoverable the balance of debts owing to the Council where the debtor is a company in liquidation and the liquidator or Receiver has confirmed that there are insufficient assets to pay the monies due to the Council in full in consultation with the Head of Central Services.
54.	To 'write on' any amount of credit to an account where a refund to the relevant person cannot be made
55.	To exercise the discretionary powers as contained within the Housing Benefit (General) Regulations 1987 and Council Tax Benefit (General) Regulations 1992.
56.	To administer and determine applications for Housing Benefit and Council Tax Support in accordance with the Government scheme and relevant Council policies.
57.	To issue such notices as he/she considers appropriate offering the recipient the option of paying a penalty as an alternative to criminal proceedings being instituted against him/her in accordance with Section 115A of the Social Security Administration Act 1992 as added by Section 15 of the Social Security

	Administration (Fraud) Act 1997.
58.	To appoint in writing such staff as inspectors for the purposes of and in accordance with Section 110A and 110B of the Social Security Administration Act 1992 as added by Section 12 of the Social Security Administration (Fraud) Act 1997.
59.	To authorise officers to issue a caution to individual(s) where fraud has been discovered in relation to Housing and Council Tax Benefit.
60.	To authorise, in consultation with the Solicitor to the Council, external firm(s) of solicitors to undertake prosecutions on behalf of the Council where fraud has been discovered in relation to Housing and Council Tax benefit.
61.	To collect and recover all Council Tax and National Non-Domestic Rates monies and penalties, to make decisions appertaining to the cancellation of summons costs, refunds of monies in accordance with legislation, and the appointment of external bailiffs.
62.	To be responsible for and to exercise the Council's powers, duties and discretions relating to the administration collection and enforcement of Council Tax, National Non-Domestic Rates and Sundry Debtors, including the authorisation of officers to carry out enforcement procedures and to prosecute and appear before a Magistrates' Court.
63.	To determine applications for mandatory and discretionary rate relief in accordance with the criteria adopted by the Council. To refer to the Policy, Finance and Administration Committee, any appeals against the determination.
64.	To instruct and authorise a contractor or agent of the Council to execute arrest warrants obtained on behalf of the Council to ensure attendance for a means enquiry for unpaid Council Tax and Non-Domestic Rates debts provided that the Contractor or agent is qualified to do so and is named on the arrest warrant.
65.	To exercise the Council's obligation as charging Authority to agree on an alteration of the list in accordance with the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993.
66.	To increase summons costs by an equivalent amount in the event of fees payable by the Council to the Magistrates' Court for actions in respect of National Non-Domestic Rate or Council Tax being increased.
67.	Pursuant to Section 44A of the Local Government Act 1988 to :- <ul style="list-style-type: none"> • Determine the circumstances in which an apportionment of rateable value is appropriate. • Agree the Valuation Officer's appointment of the rateable value. • Implement the apportionment as certified by the Valuation Officer.
68.	To operate the Village Shops Rate Reduction Scheme and to determine applications for rate reductions in respect of petrol garages, public houses, former agricultural premises, village food shops and/or Sub-Post Offices in accordance with the scheme.

69.	To decide whether bankruptcy or liquidation action or other remedy available in legislation should be taken having regard to all of the circumstances of each case where a Business Rates and/or Council Tax Liability Order is returned by a bailiff.
70.	In consultation with the Head of Central Services to make any necessary changes to the Retail Relief Scheme, in accordance with further guidance from Central Government, consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the scheme.
71.	Community Grants To determine applications for Community Facilities (Small Grants Scheme) under the Local Government (Miscellaneous Provisions) Act 1976.
72.	To determine applications under the Community Leisure Activities Grants Scheme and for subscriptions to voluntary and other bodies.
73.	To determine applications for grants in accordance with the Council's Community Services Grants scheme.
74.	To waive the condition that work should not be started on Community Facilities Projects prior to consideration of grant applications in cases where he/she is satisfied that it is reasonable to do so and subject to applicants being advised that no guarantee can be given that grant will ultimately be available.
75.	CCTV In consultation with the Head of Central Services and Solicitor to the Council, to enter into agreement with the Leicestershire Constabulary for the operation and management of the Council's CCTV system on such terms as he/she considers appropriate.
76.	To administer the management of the Council's CCTV system in Melton Mowbray (insofar as resources permit) in accordance with arrangements made with Leicestershire Constabulary and the Council's Code of Practice.
77.	Cemetery and Burial To grant the following under the Local Government Act 1972 and the Local Authorities Cemeteries Under 1977 at Thorpe Road Cemetery : (a) Exclusive right of burial in grave space; (b) Exclusive right of burial for cremated remains in memorial vault; The siting of monuments.
78.	To arrange the burial or cremation of persons where no other person takes responsibility.
79.	Legislation In respect of the legislation below, all regulations, amendments or replacements of such legislation, all regulations or orders made thereunder and new legislation within the areas of responsibility of the post :- <ul style="list-style-type: none">• Dogs (Fouling of Land) Act 1996 – <i>in respect of enforcement against anti-</i>

	<p><i>social behaviour including the issuing of Fixed Penalty Notices</i></p> <ul style="list-style-type: none"> • Environmental Protection Act 1990 • Prevention of Damage by Pests Act 1949 • Wildlife and Countryside Act 1981 <p>To exercise the duties and responsibilities, both discretionary and statutory, including licensing conferred on Melton Borough Council and</p> <p>(a) To enter and monitor premises to inspect, examine, investigate, sample test, condemn, carry out works and seize any articles in connection with and under the Council's powers;</p> <p>(b) To make sign and serve requisitions, notices, orders, warrants, authorisations and make charges and institute proceedings for offences;</p> <p>(c) To issue licences, make fines, award and pay grants and other assistance, make payments and pay compensation;</p> <p>(d) To authorise other officers of the Council to do any of the above;</p> <p>(e) To exercise and authorise all forms of enforcement including the service of notices and the issue of cautions and all ancillary processes;</p> <p>(f) To enter land premises and to authorise named employees as appropriate to enter land and premises including the seeking of warrants for the various purposes specified in the above legislation.</p>
80.	To make orders prohibiting the parking of heavy goods vehicles in front gardens.
81.	In consultation with the Head of Central Services authority to make new car parking orders or variations to existing car parking orders required as a result of changes to car parks approved by policy committees including undertaking the necessary public consultation and the consideration of objections received as a result. Objections considered as contentious by the Head of Communities and Neighbourhoods will be reported to the appropriate Committee for consideration. The delegation to include changes to the layout, change of use, tariff or acquisition or disposal of a car park.
82.	<p>Other</p> <p>To authorise and approve surveillance under the Regulation of Investigatory Powers Act.</p>
83.	To maintain and manage the Council's Leisure facilities and authorise the closure of the same without notice in emergencies in the interests of public safety.
84.	To approve the opening of additional toilet facilities for key events in the town centre as designated by Members or additional events where it is considered there is a need that should be filled through the Council.
85.	In consultation with the Solicitor to the Council to administer, effect and make all necessary decisions in respect of the Sale of Council Houses under the Right to Buy Scheme.

86.	In consultation with Head of Central Services to make any necessary changes to the Discretionary Business Rates Grant Scheme, that will improve the scheme to meet the purpose of providing targeted support to businesses.
87.	To authorise officers to utilise the powers under the Anti-social Behaviour, Crime and Policy Act 2014 commensurate with their role and responsibilities.
88.	To designate External Agencies Officers (ie. Regulated Social Landlords dealing with ASB, housing issues) to utilise the powers under the Anti-social Behaviour, Crime and Policy Act 2014 commensurate with their role and responsibilities, where this be determined to be appropriate.
89.	In respect of the Wheels to Work scheme, to determine whether to waive the insurance excess charge in exceptional circumstances.
90.	To make applications relating to Road Closures under Section 21 of the Town Police Clauses Act 1847.
91.	To act as the responsible officer in relation to the lottery licence with the Gambling Commission.

HEAD OF REGULATORY SERVICES

The Head of Regulatory Services has delegated authority :

1.	To appoint consultants in connection with any matters falling within his/her area of responsibility.
2.	To carry out the duties of "Supervising Officer" to contracts within the scope of his/her responsibilities or nominate another officer to carry out such duties where the contract appoints a Supervising Officer.
3.	To make application to Government agencies and other organisations for grant aid or financial assistance on behalf of the Council in respect of matters falling within his/her area of responsibility.
4.	To select contractors to tender for work or supply services to the authority and to compile and maintain lists of selected tenderers in accordance with "Contract Procedure Rules".
5.	To write off any equipment or goods which he/she is satisfied are of no further use to the Council and dispose of the same provided that the process and procedure followed is in line with financial procedure rules and the value of each individual item does not exceed an amount specified in the Council's Financial Procedure Rules.
6.	To enter land and premises and to authorise named employees to enter land and premises for all statutory purposes falling within his/her area of responsibility.
7.	To authorise other officers within his/her division to carry out any of the functions specified herewith..
8.	To respond to consultation by outside bodies on behalf of the Council.
9.	To authorise the purchase of supplies and equipment in accordance with the requirements of the service.
10.	To respond to consultation by Government agencies on proposals generally within his/her remit.
11.	Development Control To carry out all processes and procedures related to the Council's Development Control function.
12.	To sign all documents related to the Council's Development Control function following decisions made : (a) within the terms of the delegated powers (b) by the Council's appropriate committee (c) by Full Council
13.	To determine (i.e. allow or refuse) all applications for planning permission, advertisement consent, listed building consent, conservation area consent and

	<p>for works on trees covered by a Tree Preservation Order (whether or not subject to any representations of support or objection), except an application which:</p> <ul style="list-style-type: none"> • Is the subject of a press advertisement as a departure, and is recommended for approval. • Is concluded to conflict with the definition of sustainable development within the NPPF and is recommended for approval. • Is the subject of letters of objection from more than 5 separate households, or a petition or 'pro-forma' letters from over 10 signatories (where the grounds of objection are on bona-fide planning grounds) and the recommendation conflicts with the representations received. • Which, for extraordinary reasons, the Head of Regulatory Services considers it appropriate to be determined by the Committee. • Any Councillor requests in writing (with reasons justifying the request) to him/her within 21 days of the issue of the weekly list of applications, should be the subject of consideration by the Planning Committee. In the case of any disagreement between the Ward Councillor and the Head of Regulatory Services, the matter will be discussed with the Chairman of the Planning Committee, the interested Ward Councillor concerned and the Head of Regulatory Services with a view to resolving whether or not the application should be presented to the Committee. (nb a Member may withdraw his/her request at any stage). • Is submitted by or on behalf of a Councillor or employee of the authority, their spouse or partner or any other family members. • Is submitted by or on behalf of the Council for its own development, except for the approval of routine minor development to which no objection has been received. 'Minor development' will follow the definitions of the DCLG 'PS2' returns (up to 10 houses or 1000 sq. m. floorspace) • Requires referral to the Secretary of State prior to permission being granted. • Is the subject of advice to refuse from the Highway Authority, Environment Agency and/or HSE and the recommendation is to grant permission. • Is the subject of an Environmental Impact Assessment. • To determine all other planning related applications (whether or not any representations of support or objection have been received) including applications for work on trees in conservation areas and Permitted Development Order 1995 'Prior Notifications'.
14.	To determine applications for Lawful Development Certificates pursuant to Section 191-194 of the Town and Country Planning Act 1990, on consultation with the Solicitor to the Council.
15.	To comment or make decisions on behalf of the Council, and to represent the Council in all other planning matters related to the Council's development control function.
16.	To determine whether an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 is required in respect of any planning applications and to instruct the Solicitor to the Council to enter into such agreements.

17.	<p>Enforcement</p> <p>(a) To take any enforcement action including the issue and service of any statutory notice which includes (but is not limited to):</p> <ul style="list-style-type: none"> • Enforcement Notices • Stop Notices and Temporary Stop Notices • Breach of Condition Notices • Listed Building Enforcement Notices • Planning Contravention Notices • Hazardous Substances Contravention Notices • Advertisement Discontinuance Notices • Untidy Site Notices • Tree Replacement Notices • Injunctions <p>(b) To exercise any statutory power to withdraw any such notice, to waive or relax any of their contents, or extend a period for compliance.</p> <p>(c) To instigate prosecutions for the failing to comply with the above Notices.</p>
18.	<p>Road and Footpath Orders</p> <p>To authorise and administer Road Closures under the Town Police Clauses Act 1847 and instruct Legal Services for making relevant Orders.</p>
19.	<p>To administer Extinguishment and Diversion Orders for Public Rights Of Way under the Highways Act 1980 and the Town and Country Planning Act 1990 and instruct Legal Services for making relevant Orders.</p>
20.	<p>To determine charges for administrative costs and advertising and to refund charges, in appropriate cases, in accordance with the provisions of the Local Government (Recovery of Costs for Public Path Orders) Regulations 1993 or any subsequent regulations amending or replacing those Regulations.</p>
21.	<p>Building Control</p> <p>To number houses and name streets in consultation with the Ward Councillor(s) unless there is any dispute particularly with the Parish Council.</p>
22.	<p>To enter land premises and to authorise named employees as appropriate to enter land and premises including the seeking of warrants for the various purposes specified in the:</p> <ul style="list-style-type: none"> Building Act 1984 Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990 Anti-Social Behaviour Act 2004 (Part 8) in relation to high hedges Planning and Compulsory Purchase Act 2004
23.	<p>To determine all applications for Building Regulations approval purposes, and applications in respect of the Thermal Insulation (Industrial Buildings) Regulations 1972, and to authorise other officers within his/her division to determine such applications.</p>

24.	To take action to deal with dangerous and/or derelict buildings and structures including the bricking up of vacant buildings.
25.	To act as “appointing officer” for the purpose of Section 10(8) of the Party Wall Act 1996 and to appoint surveyors in accordance with Section 10 of the Act.
26.	To serve and receive notices under the Building Act 1984, the Leicestershire Act 1985 and other relevant legislation and to effect enforcement under the same, including requests for information under the Local Authority (Miscellaneous Provisions) Act 1976.
27.	To service notices under Sections 77, 78 and 79 of the Building Act 1984.
28.	Conservation To administer the Council’s policy for grant aid to historic buildings and grant aid to projects under the Council’s Conservation Strategy.
29.	To take action to ensure compliance with conditions attached to grants (and to recover grant monies in the event of a breach of conditions) made under Section 78 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
30.	Consultation and Responses To support objections to bus service reductions made by Parish Councils where Parish Councils so request and where it is considered that such objections are justified subject to consultation with the Chairman of the Rural Economic and Environmental Affairs Committee.
31.	To submit, on the District Council's behalf, observations to Leicestershire County Council in respect of (a) proposals for Rights of Way to be included on the Public Rights of Way Definitive Map and Statement and (b) the reclassification of Public Rights of Way traffic in the Melton Borough following consultation with Ward Member(s) for the Ward in which the rights of way are situated.
32.	To respond to consultations in consultation with the Solicitor to the Council and the Corporate Property Officer and give consent to Public Path Orders and Agreements being dealt with by (a) Leicestershire County Council where the proposals lie within the district and (b) other neighbouring authorities where the proposals lie partly within and partly outside the district.
33.	To make observations on applications for licences to fell growing trees under the Forestry Act 1967 unless they are of a significant nature or contain controversial elements in which case details shall be submitted to the Development Committee.
34.	In consultation with the Solicitor to the Council, to adjudicate any applications and take any action (including prosecution) in accordance with national guidance and Council Policy under Part 8 of the Anti-Social Behaviour Act 2003 in relation to High Hedges or any regulations, amendments or replacements of such legislation.
35.	Planning Policy

	To make objections and representations to National Planning Policy Guidance, Regional Planning Guidance for the East Midlands, the Leicestershire, Leicester & Rutland Structure Plan, the Leicestershire Minerals and Waste Local Plans, the Development Plans of neighbouring planning authorities and other proposals and policies prepared by other authorities that could be expected to affect the development of the Borough or the planning of its development.
36.	To make representations, or arrange for representations to be made, at Development Plan Examinations on behalf of the Council, including changes to submitted draft plan documents, where it is not practical to seek prior approval of the Council.
37.	Tree Preservation Orders To make and confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990, unless there are objections received in which case the matter shall be referred to the Development Committee.
38.	Licensing To determine applications for street collection and house-to-house collection permits.
39.	Under the Town and Police clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976/82 to deal with all matters in connection with the licensing and enforcement of Hackney Carriages, Private Hire Vehicles, Drivers and Operators. Including granting, (but not refusing) suspending (but not revoking), renewing (or failing to renew) licenses, varying fees and attaching conditions in relation to licences for Hackney Carriages and private hire vehicle drivers and operators. Any suspension of a licence shall be subject to prior consultation with the Chairman or Vice Chairman of the Licensing Committee.
40.	To supervise the administration and issuing of licences under the Licensing Act 2003 and to be authorised to grant or approve but not refuse applications or requests made under the Licensing Act 2003 except that the authorisation is limited to where no representations and objections are made as set out in Section 10(4) of the Licensing Act 2003. To administer and issue licenses when required to do so and the enforcement (including prosecution) of such licenses.
41.	To determine whether representations made by an interested party (who is not also a responsible party) are frivolous or vexatious.
42.	To determine applications for permits in respect of the installation of all-cash machines in amusement arcades.
43.	To determine applications for permits for gaming machines under Section 34 of the Gaming Act 1968 in respect of any premises in the Borough.
44.	To register persons applying under Section 4 of the Betting, Gaming and Lotteries Act 1963 to be pool promoters subject to the requirements of the Act. Including the appointment of a qualified accountant to exercise and perform the duties conferred and imposed upon him/her under the Act. To take such steps as may be necessary to recover the relevant accountant's fees from the registered pool promoter, to examine statements of the registered pool promoter

	held by the accountant, the charging of an appropriate fee for registration and continuation of registration each year.
45.	In the event of the Officer considering that an application should be refused or revoked, to refer the matter to the Licensing Committee.
46.	To deal with all matters in connection with the licensing and enforcement of premises used for the purposes of sex establishments under Part II of the Local Government (Miscellaneous Provisions) Act 1982. Including granting, renewing, refusing, suspending or revoking of licences in accordance with the provisions of the Act and varying conditions as appropriate.
47.	Under the Gambling Act 2005 to deal with all matters in connection with the permitting and enforcement (including prosecution) of gambling establishments and applications for gambling machine permits, including granting, refusing, suspending and revoking licences, varying fees and attaching conditions, except those matters required by legislation to be determined by the Licensing Committee.
48	<p>Environmental Protection & Safety</p> <p>To develop implement and enforce the Contaminated Land Strategy, Private Sector Housing Policy, Licensing Policy, Regulatory Services Service Plan (incorporating the Food Service Plan and Health & Safety Plan) and other such policies necessary to maintain public health including discharging the Council's functions in relation to the following matters:-</p> <ul style="list-style-type: none"> • animal welfare including control of dogs • anti-social behaviour • caravans and camping • communicable diseases • control of pests • dog fouling • drainage • environmental pollution • environmental protection • food safety • health and safety enforcement • health and wellbeing agenda • licensing • private sector housing • public health • smokefree controls • Sunday trading

	<ul style="list-style-type: none"> • water supplies • waste <p>With respect to the matters set out above:</p> <p>To exercise the duties and responsibilities, both discretionary and statutory, including licensing conferred on Melton Borough Council and</p> <p>(a) To enter and monitor premises to inspect, examine, investigate, sample test, condemn, carry out works and seize any articles in connection with and under the Council's powers;</p> <p>(b) To make sign and serve requisitions, notices, orders, warrants, authorisations and make charges and institute proceedings for offences;</p> <p>(c) To issue licences, make fines, award and pay grants and other assistance, make payments and pay compensation;</p> <p>(d) To authorise other officers of the Council to do any of the above;</p> <p>(e) To exercise and authorise all forms of enforcement including the service of notices and the issue of cautions and all ancillary processes;</p> <p>(f) To enter land premises and to authorise named employees as appropriate to enter land and premises including the seeking of warrants for the various purposes specified in the above legislation.</p>
49	<p>Environmental Health inc. Private Sector Housing</p> <p>The power to authorise persons to seize, detain and destroy stray dogs when applicable.</p>
48.	To take the necessary action to secure empty or dilapidated housing and to remove rubbish from within the curtilage of the dwelling.
49.	To arrange for the reconnection or continuation of a satisfactory supply of water, gas and electricity to private sector houses.
50.	In consultation with the Solicitor to the Council, to authorise legal action against unlawful caravan encampments.
51.	Power to approve group repair schemes in accordance with the Housing Grants, Construction and Regeneration Act 1996, for up to a maximum of three units of accommodation per scheme.
52.	To amend or add to the standards for Houses in Multiple Occupation in accordance with a scheme agreed by the Council.
53.	To grant extension of time limits to carry out work subject to any grant so far as this is possible with the legal powers of the Council.
54.	To issue waivers to mortgages relating to possible breaches of improvement grant conditions for private sector housing and disabled adaptation grants.
55.	To deal with all matters on behalf of the local authority under the Public Health (Control of Diseases) Act 1984 except sections 16, 23, 27 and 56(2) and where the Consultant in Health Protection of the Health Protection Agency is specified

	as the Proper Officer. In particular where explicit designation is required under the above Act in order to avoid ambiguity the Consultant in Health Protection has delegation under Sections 20(2), 22(2), 24(2) and (3), 31, 32, 34 and 57 and also under Schedule 4 paragraphs 1(2), 2(2) and 3 of the Public Health (Infectious Diseases) Regulations 1988 and Regulations 12 and 13 of the Canal Boat Regulations 1878–1931 and to pay a compensation failing to be met as a result of action by the Proper Officer for these purposes.
56.	To grant relaxations from the standards laid down in the Private Water Supplies Regulations 1991 where he/she considers it appropriate to do so, subject to any necessary consultation with the Secretary of State.
57.	To determine exceptional instances where it would be appropriate not to require advance payment for various environmental health services and licences.
58.	Other To be responsible for the Local Land Charges functions under the Local Land Charges Act 1975.
59.	To be responsible for the management of the Council's Waste Management Contract.
60.	To be responsible for the management of the Council's business continuity and emergency planning arrangements, including management of the appropriate contracts and partnerships.
61.	To be responsible for the management of the Council's internal Health and Safety arrangements.
62.	To affix litter and dog waste bins purchased by Parish Councils.
63.	In consultation with the Head of Central Services to waive or reduce cesspool emptying charges in respect of domestic properties in cases of hardship.
64.	To determine applications for financial assistance towards flood barriers.
65.	To determine the form and siting of street nameplates.
66.	To authorise and approve surveillance under the Regulation of Investigatory Powers Act.
67.	To enter into agreements with Ordnance Survey for the supply of mapping as the Ordnance Survey Liaison Officer (OSLO).
68.	To authorise officers to utilise the powers under the Anti-social Behaviour, Crime and Policy Act 2014 commensurate with their role and responsibilities.

PROPER OFFICER PROVISIONS

The Council has approved "Proper Officer" appointments in accordance with the relevant provisions of the Local Government Act 1972, as amended and as set out hereunder :-

Section	Description	Proper Officer
13(3)	Chairman of Parish Council and Proper Officer shall become a body corporate where there is no separate parish council.	Chief Executive
83(1)	Receipt of Declaration of Acceptance of Office.	Chief Executive
84	The officer to whom a person elected to any office under the Council may give written notice of resignation	Chief Executive
88(2)	The officer who may convene a meeting of the Council for the election to fill a vacancy	Chief Executive
89(1)(b)	The officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors.	Chief Executive
96(1)	Receipt of pecuniary interest	Monitoring Officer
96(2)	The Officer who shall keep the record of disclosures of interest under Section 94 and of notices under Section 96(1) and Section 19 of the Local Government and Housing Act 1989	Monitoring Officer
115(2)	The officer who shall receive all money due from every employed officer by the Council.	Head of Central Services
146(1)(a)&(b)	The officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Head of Central Services
151	The officer responsible for the proper administration of financial affairs.	Head of Central Services
191	The officer to whom applications under Section 1 of the Ordnance Survey Act 1842 should be sent.	Head of Regulatory Services
204(3)	The Officer to whom notice of application for a Justices Licence under Schedule 1 to the Licensing Act 1964 should be given	Head of Regulatory Services

210(6) & (7)	Charities	Chief Executive
225(1)	Deposit of documents with the Proper Officer and making of notes or endorsements and receipts.	Chief Executive
229(5)	The officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Solicitor to the Council
234	The officer who may authenticate documents.	Chief Executive or any Officer in respect of any matter in respect of which the Council has delegated its powers and duties.
236(9) & (10)	The officer who is responsible for sending certified copies of Byelaws to appropriate bodies.	Chief Executive
238	The officer who shall certify copies of Byelaws as true copies.	Chief Executive
248	The officer who shall keep the roll of Freemen of the Borough.	Chief Executive
Sch 12 Para 4(2)(b)	The officer who may sign a summons to Council meetings	Chief Executive
Sch 12 Para 4(3)	The officer who may receive notice from a Member of the address to which a summons to a meeting is to be sent.	Chief Executive
Sch 14 Para 25(7)	The officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings.	Chief Executive
Sch 16 Para 28	Receipt on deposit of List of Protected Buildings	Head of Regulatory Services
Sch 29 Para 4(1)(a) &(c)	The officer referred to as the Clerk of the Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Chief Executive

Sch 29 Para 4(1)(a) &(c)	The officer referred to as the Head of Central Services of any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Head of Central Services
Sch 29 Para 4(1)(a) &(c)	The officer referred to as the Surveyor in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Corporate Property Officer
Sch 29 Para 4(1)(a) &(c)	The officer referred to as the Public Health Inspector of Sanitary Inspector in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Head of Regulatory Services
100B(2)	Exclusion from reports open to inspection any parts relating to items during which the meeting is likely not to be open to the public.	Chief Executive
100B(7)(C)	The supply to the press of additional material supplied to Members of the Council in connection with items of business to be discussed.	Chief Executive
100C(2)	Preparation of a written summary of those parts of the proceedings of a Committee which disclose exempt information.	Monitoring Officer
100D(1)(a) & (5)(a)	Identification of background papers and compilation of lists of such documents.	The officer responsible for the report (in the case of joint reports, the first named officer.)
100F(2)(b)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by Members of the Council.	Monitoring Officer
Local Elections (Principal Areas) Rules 1986 All references to the Proper Officer in these rules relate to the Chief Executive.		Chief Executive
Local Government Act 1974 S30(5) Publication in newspapers of reports of Local Commissioner		Chief Executive

<p>Local Government (Miscellaneous Provisions) Act 1976 S41 and Certification of copies of resolutions, minutes and other documents.</p>	<p>Chief Executive</p>
<p>Note: Infectious disease legislation for which Melton is the enforcing Authority is co-ordinated to a large extent by the joint approaches of the Head of Regulatory Services and the Consultant in Health Protection. The Consultant in Health Protection is employed by the Leicestershire Health Authority but appointed to act as a Proper Officer on behalf of Melton Borough Council.</p> <p>The Head of Regulatory Services and the Consultant in Health Protection are the Proper Officers as follows:-</p>	
<p>Public Health Act 1936 Section 85 Cleansing of verminous persons and their clothing.</p>	<p>Consultant in Health Protection and Head of Regulatory Services</p>

Public Health (Control of Diseases) Act 1984		
Section 11(1)	Notifiable disease/food poisoning	Head of Regulatory Services
Section 11(3)	Notifiable disease/food poisoning	Consultant in Health Protection
Section 18	Information to be furnished with regard to notifiable diseases/food poisoning	Head of Regulatory Services
Section 20(1)	Preventing someone working to stop spread of disease	Consultant in Health Protection
Section 21	Exclusion from school of a child liable to convey a notifiable disease	Consultant in Health Protection
Section 22	List of day pupils at school having a case of notifiable diseases	Consultant in Health Protection
Section 24(1)(a)	Infected articles not to be taken or sent to be washed or cleaned	Consultant in Health Protection
Section 29	Letting of house or room after recent case concerning a notifiable disease	Consultant in Health Protection
Section 31	Certification in respect of disinfection of premises	Consultant in Health Protection
Section 31(2)(b)	Disinfection of premises to the satisfaction of the Proper Officer	Consultant in Health Protection
Section 32	Certification in respect of removal of persons from infected houses	Head of Regulatory Services
Section 35	Power of Justice to order a medical examination	Head of Regulatory Services
Section 36	Certification in respect of power of justice to order medical examination of group of persons believed to comprise carrier of notifiable disease	Consultant in Health Protection
Section 40	Power of Justice to order medical examination of inmates of common lodging house	Consultant in Health Protection
Section 41	Power of local authority to remove temporarily inmates of infected house	Head of Regulatory Services
Section 43	Removal of body of person suffering from notifiable disease	Consultant in Health Protection
Section 48	Removal of body to mortuary or for immediate burial	Consultant in Health Protection

National Assistance Act 1948 (as amended) and Section 61 of the National Assistance Act 1951		
Section 47	Removal to suitable premises of persons in need of care and attention	Consultant in Health Protection
Statutory Instruments (as amended)		
Public Health (Infectious Diseases) Regulations 1988		
In all cases where a Proper Officer designation is given, except for authorisation under Schedule 4 – Regulation 3		Consultant in Health Protection
Public Health (Prevention of Tuberculosis) Regulations 1925		
Regulation 5		Consultant in Health Protection
Milk and Dairies (General) Regulations 1959		
Regulations 18, 19 and 20		Consultant in Health Protection
Public Health (Aircraft) Regulations 1979		
Regulation 5 and including all subsequent references to Medical Officers.		Head of Regulatory Services
<p>The Consultant in Health Protection is appointed to act on behalf of the Local Authority in respect of Sections 23, 24(3), 37, 38 and 41 of the Public Health (Control of Diseases) Act 1984.</p> <p>The Consultant in Health Protection shall have the power on behalf of the Local Authority to ask a registered medical practitioner that they undertake an examination for the purposes of Sections 35 and 36 of the Public Health (Control of Disease) Act 1984.</p>		
Food Safety Act 1990		
S49	Proper Officer of the Authority as regards documents relating to matters within his province	
Housing Act 1985		
S606(1) & (2) Reports on unfitness and clearance		Head of Regulatory Services
Local Government Finance Act 1988		
S114	Financial Report to the Authority	Head of Central Services Monitoring Officer

Local Government and Housing Act 1989		
S4	Head of Paid Service	Chief Executive
S5	Monitoring Officer	Head of Communications
Representation of the People Act 1983		
S8 Electoral Registration Officer S35 Returning Officer S67(7)(b) – in relation to a local government election, a Proper Officer within meaning of S270(3) and (4) of the Local Government Act. S128 – Proper Officer to receive a copy of any petition questioning a local government election.		Chief Executive

Notes:

1. Under Section 35 of the Representation of the People Act 1983, the Returning Officer may appoint deputies to assist him/her in his/her duties.
2. Under Section 52(2) of the Representation of the People Act 1983, the Electoral Registration Officer may appoint deputies to assist him/her in his/her duties.
3. Under 28 of the Representation of the People Act 1983, the Electoral Registration Officer may discharge the functions of the Returning Officer as Acting Returning Officer. Under sub-section (5), the Acting Returning Officer has power to appoint deputies.

DEPUTY PROPER OFFICER PROVISIONS - ELECTIONS

In respect of the purposes for which the Chief Executive is the Proper Officer of the Council, the Strategic Director (KA) for the time being be authorised to act as such Proper Officer when the Chief Executive is unable to act with the exception of the purposes set out above whereby the Elections Officer be authorised to act as such Proper Officer when the Chief Executive is unable to act.