

4. DELEGATED POWERS OF OFFICERS

Note: These delegations include both executive and non-executive functions.

The detail and format of these delegations are currently under review.

EMERGENCY ACTION

The Chief Executive (or either of the Deputy Chief Executives) is empowered, in consultation with the Leader or relevant Committee Chair (unless the urgency makes this impractical) to make decisions on any issues in circumstances which he/she reasonably considers to be an emergency, reporting to the Cabinet or relevant Committee as soon as possible thereafter.

(Delegated from Cabinet and all Committees)

EDUCATION AND RECREATION MATTERS

(Delegated from the Cabinet)

Leisure Services

The following functions are delegated to the Head of Culture and Leisure.

1. Management and maintenance of Cemeteries, Crematoria, Parks, Commons, Recreation Grounds, Play Areas, Rest Gardens, Public Statutory and Monuments, Camping, Caravan and Picnic Sites, Allotments, Public Swimming Baths, Sports and Leisure Centres, grass verges and highway trees all land held by the Council specifically for public open space, recreation or leisure, letting of land and premises, major sporting/recreational events engaging performers, stewards and all other necessary staff. Commissioning Kirklees Active Leisure, where appropriate.
2. Provision of Floral Decorations.
3. Catering Services under the control of the Service area.
4. Treatment of injurious weeds under Weeds Act, 1959.
5. The management of recreation and interpretation of the countryside in terms of programmes of activities, provision of facilities, countryside management, environmental interpretation and community involvement in all aspects of the countryside.
6. Specialist development of sport, leisure and recreation throughout the community in the form of sports programmes, leisure for specialist groups, grant aid and the support of voluntary organisations with interests in sport.
7. Provision of Countryside Services by the Countryside Section (except Oakwell Hall Country Park).
8. Letting of land held or used for leisure or cultural purposes to circuses and travelling shows.

Head of Culture and Leisure, the Head of Property Services and the Director of Finance

Authority to manage the programme of expenditure of the capital programme of essential repairs and maintenance within the approved ceiling.

Cultural Services

The following functions are delegated to the Head of Culture and Leisure:-

1. Art Galleries, Museums and Libraries, Public Halls, Community Centres and Country Parks, including Princess Alexandra Walk, Huddersfield and Longcauseway, Dewsbury and all ancillary functions connected with the above

including letting of premises, engaging performers, stewards, and all other necessary staff.

2. To arrange hospitality for visiting performers and to negotiate with firms to sponsor performances.
3. Letting of land held or used for cultural or leisure purposes for Street Fairs.
4. To accept offers of books as donations.
5. To accept offers of museum specimens and works of art etc.; being gifts or bequests in accordance with the Acquisition and Transfer Policy approved by Cabinet.
6. To issue on loan museum specimens and works of art to museums, universities, colleges of further and higher education, schools and broadcasting and television authorities and other bodies of a like nature.
7. To accept loans to the Council of museum specimens and works of art in accordance with the Acquisition and Transfer Policy approved by Cabinet.
8. To decide upon applications to reproduce museum specimens works of art and reproductions from books etc.
9. To arrange lectures, exhibitions and openings relating to the Council's museum and art collections.
10. To select and buy books, periodicals, gramophone records, manuscripts, maps, prints, photographs and other articles of a like nature for the Libraries and Museums within approved estimates.
11. To arrange holiday closing of Libraries, Museums and Art Galleries, within the holiday periods adopted by Cabinet.
12. To issue on loan books, etc., to libraries, homes for old people, educational and other institutions.
13. To arrange for the display of literature and publicity in Libraries and Museums.
14. Town Twinning visits and financial contributions.
15. To manage the Oakwell Hall Country Park.
16. To recommend transfer of museum specimens etc. for consideration by Cabinet in accordance with the approved Acquisition and Transfer Policy and in accordance with the Museums and Galleries Commission Registration criteria.
17. To authorise loans to Voluntary Organisations up to a level of £1,000 in consultation with the Cabinet Member in emergency.
18. To make grants to organisations concerned with literature up to £1,000.

Education

1. **Director of Lifelong Learning (*as statutory Chief Education Officer*)**
 - 1.1 **Nursery, Primary, Secondary and Special Schools**
 - 1.1.1 To determine staffing of schools not included within the adopted Local Management of Schools Scheme.
 - 1.1.2 To determine applications for assistance towards boarding education;
 - 1.1.3 To determine at first instance applications for increased fees for pupils at schools not maintained by this Authority;
 - 1.1.4 To second teachers for courses including overseas service and arrange teacher exchanges;
 - 1.1.5 To determine applications for use of schools as polling stations following consultation with Governing Bodies;
 - 1.1.6 To ensure that all statutory obligations placed on the Director of Lifelong Learning by legislation relating to all appointments, are met;
 - 1.1.7 To take legal proceedings under Sections 437, 443 and 444 of the Education Act, 1996, and Section 1(2)(e) of the Children and Young Persons Act, 1969;
 - 1.1.8 To determine directions under the Education (National Curriculum) (Temporary Exceptions for Individual Pupils) (England) Regulations, 2000.
 - 1.1.9 To submit planning applications for additional accommodation at schools and other premises held or used for education purposes, and in those cases where planning permissions is required in respect of projects which would not otherwise be brought to Cabinet's attention, and also in relation to major maintenance works requiring planning approval - for examples, boilerhouse, chimneys, external cladding.
 - 1.1.10 To determine statements of special need under the School Standards and Framework Act and subsequent legislation.
 - 1.1.11 (or such other persons as may be authorised in writing by the Director of Lifelong Learning) to institute legal proceedings under Section 36 of the Children Act 1989 in respect of children who fail to attend school on a regular basis.
 - 1.1.12 To establish LEA Action Plans and responses for schools in special measures and with serious weaknesses.

- 1.1.13 To withdraw delegation from a Governing Body in accordance with the LEA/School Code of Practice.
- 1.1.14 To release Headteachers from their posts as a result of disciplinary matters. To discuss as necessary but not to agree terms of any settlement.
- 1.1.15 To agree in consultation with Governing Bodies any name changes for Schools.
- 1.1.16 The Director of Lifelong Learning and the Solicitor to the Council are empowered to make orders for the making or amending of Instruments of Government for Kirklees Schools provided that they agree that there is no matter of policy or principle involved in any particular case.

1.2 Further and Higher Education

- 1.2.1 To determine at first instance applications for Further and Higher Education statutory awards and discretionary awards.

1.3 Other Matters

- 1.3.1 To determine licences for children to take part in public performances, and for the employment of or performances by children and young people;
- 1.3.2 To authorise home tuition;
- 1.3.3 To make special provision for transport between school and home in exceptional cases and to arrange free transport to and from schools in accordance with Council policy;
- 1.3.4 Subject to the allocation of responsibilities defined by the adopted Local Management of Schools Scheme to determine upon applications to hold functions at premises held or used for education purposes;
- 1.3.5 To administer grant-in-aid for maintenance, school clothing, and free meals service;
- 1.3.6 To authorise the payment of extra district charges in accordance with the current legislation at the Authority's discretion;
- 1.3.7 To arrange the admission and allocation of pupils and students to schools in accordance with Council policy;
- 1.3.8 To grant paid leave of absence in exceptional circumstances for school based staff;

- 1.3.9 To respond on behalf of the Authority when its views are sought by Governors on admission arrangements, (School Standards and Framework Act)
- 1.3.10 To undertake any necessary investigations and determine appropriate responses relating to complaints about the Education function of the Council.
- 1.3.11 To determine statements of special needs under the Education Act, 1996 and subsequent legislation.
- 1.3.12 To apply for Child Safety Orders following consultation with the Solicitor to the Council.
- 1.3.13 (or the Education Access Manager). To prosecute in those cases where employers breach Local Authority bye-laws or contravene Section 559(3)(4) of the Education Act 1996, as amended.

2. Those Officers from time to time authorised by the Cabinet or previously by the Education Committee are

To authorise legal proceedings under Section 547 of the Education Act 1996

3. The Head of Kirklees Early Years Service is authorised:-

- 3.1 To determine grants to organisations concerned with the provision of childcare up to a maximum of £500.

ENVIRONMENT AND TRANSPORTATION MATTERS

Environmental Matters

(Delegated as appropriate from:-

- (1) The Cabinet
- (2) Licensing and Safety Committee

N.B. The following tables indicate which functions are delegated to Officers and which are retained by the Cabinet or Committee, as appropriate.)

Key:	AD(E) =	Assistant Director (Environment)
	EHM =	Environmental Health Manager
	SWM =	Strategic Waste Manager
	TM(W)=	Technical Manager (Waste)
	CM =	Cleansing Manager
	EPM =	Environmental Projects Manager
	EWTM=	Environmental Waste and Transport Manager
	TM =	Team Manager

EHO	=	Environmental Health Officer
STO	=	Senior Technical Officer
TO	=	Technical Officer
AHI	=	Animal Health Inspector
DW	=	Dog Warden
LSC	=	Licensing and Safety Committee

Legislation	Extent of Delegation	Delegated To
Various statutes where LA entitled to institute legal proceedings in Magistrates Court or High Court	Authority to institute legal proceedings in respect of all powers and duties exercised by Cabinet.	AD(E) EHM/SWM
	Authority to institute Injunction proceedings in respect of powers and duties exercised by Cabinet.	Statutory Noise Nuisance - AD(E) All other matters - Cabinet
Various statutes where LA entitled to carry out works in default of notices requiring the execution of works.	Authority to institute works in default	TM up to £2,000 EHM/SWM up to £10,000 AD(E) over £10,000

Agriculture (Miscellaneous Provisions) Act 1968

Legislation	Extent of Delegation	Delegated To
S.6(2)	Authorisation in writing of Officers to act in relation to matters arising under the Act and regulations or orders made thereunder.	AD(E)/EHM

Animal Boarding Establishments Act 1963

Legislation	Extent of Delegation	Delegated To
S.1	Power to grant or refuse licences	Approve - AD(E)/ EHM Refuse - LSC

Animal Health Act 1981

Legislation	Extent of Delegation	Delegated To
S.52	Relating to appointment of inspectors	AD(E)/EHM

cont'd

Legislation	Extent of Delegation	Delegated To
	and other officers for execution and enforcement of Act Regulations and Orders made thereunder.	

Animal By-Products Regulations

Legislation	Extent of Delegation	Delegated To
Animal By-Products Regulations	To appoint Officers to enforce the provisions of Animal By-Products Regulations which are made under the European Communities Act 1972.	AD(E)/EHM

Breeding of Dogs Act 1973

Legislation	Extent of Delegation	Delegated to
S.1	Power to grant or refuse licences	Approve - AD(E)/EMH Refuse - LSC

Building Act 1984

Legislation	Extent of Delegation	Delegated To
S.59	Power to serve Notice regarding defective drainage	AD(E)/EHM
S.60	Power to serve Notice regarding use and ventilation of soil pipes	AD(E)/EHM
S.62	Power to require sealing of disused drains	AD(E)/EHM
S.64	Power to serve Notice requiring provision of closets	AD(E)/EHM
S.65	Power to serve Notice requiring provision of closets at workplaces	AD(E)/EHM
S.66	Power to serve Notice requiring replacement of earth closets	AD(E)/EHM
S.67	Power to loan temporary sanitary conveniences	SWM

cont'd

Legislation	Extent of Delegation	Delegated To
S.68	Power to give consent for erection of public sanitary conveniences	Cabinet
S.73	Power to serve Notice requiring raising of chimney height	AD(E)/EHM
S.76	Power to serve Notice re defective premises	AD(E)/EHM
S.79	Power to serve Notice re ruinous and dilapidated buildings and neglected sites	AD(E)/EHM
S.81	Power to serve Notice re demolition works	AD(E)/EHM
S.84	Power to serve Notice requiring drainage of yards and passages	AD(E)/EHM

Caravan Sites and Control of Development Act 1960

Legislation	Extent of Delegation	Delegated To
S.3	Power to issue and refuse licences	Approve - AD(E)/ EHM Refuse - LSC
S.5	Power to attach conditions to licences	AD(E) & EHM
S.8	Power to alter conditions	AD(E) & EHM
S.10	Power to transfer licences	AD(E) & EHM
S.11	Power to require a site licence to be delivered up	AD(E) & EHM
S.19	Power to require reduction in numbers of caravans	AD(E) & EHM
S.23	Power to prohibit caravans on commons	AD(E) & EHM
S.24	Power to provide sites for caravans (policy)	Cabinet
S.25	Register of site licences	AD(E) & EHM

Clean Air Act 1993

Legislation	Extent of Delegation	Delegated To
S.4	Power to approve new furnace installations	AD(E)/EHM
S.6	Power to approve or refuse to approve arrestment plant for furnaces	Approve - AD(E)/EHM Refuse - LSC
S.8	Power to approve or refuse to approve plant for arresting grit and dust	Approve - AD(E)/EHM Refuse - LSC
S.10	Power to serve Notice requiring measurement of grit and dust	AD(E)/EHM
S.12	Power to serve Notice requiring details of fuel used	AD(E)/EHM
S.15	Power to approve, either conditionally or otherwise, or reject chimney heights	Approve - AD(E)/EHM (Report to Ward Members; Refuse - LSC)
S.18	Power to declare smoke control areas	Cabinet
S.24	Power to approve proposals, payment of grants and to serve Notice requiring adaptations to be carried out.	AD(E) & EHM
S.26	Power to approve or reject proposals and pay grants in respect of charities, churches, etc.	Approve - AD(E)/EHM Refuse - Cabinet
S.36	Power to require information regarding emission of pollutants and other substances into the air from premises	AD(E)/EHM
S.45	Power to grant exemptions for research in smoke control areas	TM
S.46	Power to report emissions from Crown premises to responsible Minister	AD(E)/EHM
S.51	Power to sign written notifications regarding smoke offences	EHO

Control of Pollution Act 1974

Legislation	Extent of Delegation	Delegated To
S16	Power to serve notice requiring removal of controlled waste	SWM
S.60	Power to serve Notice re noise from construction sites	AD(E)/EHM
S.61	Power to grant or refuse to grant Prior Approval for noise levels from construction sites	Approve - AD(E)/EHM Refuse - LSC
S.64	Power to authenticate records of noise abatement zone noise levels	EHO
S.65	Power to grant consent to exceed registered levels in noise abatement zones	Approve - AD(E)/EHM Refuse - LSC
S.66	Power to serve noise reduction Notices	AD(E)/EHM
S.67	Authentication and registration of noise levels from new buildings in noise abatement zones	EHO
S.93	Power to serve Notice requiring information	EHO/SWM/CM TM(W)/EPM

Crime and Disorder Act 1998

Legislation	Extent of Delegation	Delegated To
	Power to investigate and take action on allegations of anti-social behaviour not related to any other Council function.	AD(E)/EHM/ Community Safety Manager

Dangerous Dogs Act 1991

Legislation	Extent of Delegation	Delegated To
S.5	Seizure of exempted dogs and dogs dangerously out of control	EHO/TO/AHI/DW

Dangerous Wild Animals Act 1976

Legislation	Extent of Delegation	Delegated To
S.1	Power to grant or refuse licences	Approve - AD(E)/ EHM Refuse - LSC
S.4	Power to seize and retain any animal Power to destroy and recover costs	EHO/TO TM
S.31	Power to appoint any Veterinary Surgeon, Veterinary Practitioner, or such other competent person in connection with the inspection of premises	AD(E)/EHM

Dogs (Fouling of Land) Act 1996

Legislation	Extent of Delegation	Delegated To
	To take action where appropriate under the Act.	AD(E)/EHM

Environment Act 1995

Legislation	Extent of Delegation	Delegated To
S.78B	Notice that Local Authority has identified contaminated land.	AD(E)/EHM
S.78C	Notice of designation of special sites	AD(E)/EHM
S.78E	Service of remediation notices.	AD(E)/EHM
S.78N	Works in default	AD(E)/EHM
S.78P	Recovery of costs	AD(E)/EHM
S.78R	Set charges for copy of register entries	Cabinet
S.78T	Notice of confidentiality	AD(E)/EHM
S.108(1)	Power to authorise suitable Officers	AD(E)/EHM
	General provisions under Part II	AD(E)/EHM

Environmental Protection Act 1990

Legislation	Extent of Delegation	Delegated To
	Power to authorise officers to act in matters arising under the Act	AD(E)/EHM
Part i		
S.6	Power to grant or refuse authorisation in respect of prescribed processes	Approve - AD(E)/EHM Refuse - LSC
S.8(8)	Revocation of authorisation for non-payment of subsistence fee	AD(E)/EHM Initial consideration of Appeals - LSC
S.10	Variation of authorisations by enforcing authority	AD(E)/EHM
S.11	Variation of authorisation by holders of authorisations	AD(E)/EHM
S.12	Revocation of authorisation where process has not been carried on for a period of 12 months	AD(E)/EHM Initial consideration of Appeals - LSC
S.13	Power to serve Enforcement Notices	AD(E)/EHM
S.14	Power to serve Prohibition Notices	AD(E)/EHM
S.18	Power to deal with causes of imminent danger of serious harm	AD(E)/EHM
S.19	Power to serve Notice to obtain information	TM
S.24	Power to institute proceedings in the High Court	Cabinet
Part ii		
S.46	Power to require household waste to be placed in receptacles as specified	AD(E)/SWM
S.47	Power to require receptacles for commercial or industrial waste to be provided.	AD(E)/SWM

cont'd

Legislation	Extent of Delegation	Delegated To
S.52	Power to make payments to organisations for recycling waste (Recycling Credits)	AD(E)/SWM
S.59	Powers to require removal of waste unlawfully deposited.	AD(E)/SWM
S.71	Obtaining of information from persons (Note KMC as WRA)	AD(E)/SWM
Part iii		
S.80	Power to serve Notice requiring abatement of statutory nuisance	AD(E)/EHM
S.81(1)	Power to serve Notice under S.80 where nuisance caused by more than one person	AD(E)/EHM
S.81(2)	Power to serve Notice under S.80 where cause of nuisance arises outside district	AD(E)/EHM
S.81(5)	Power to take proceedings in High Court	Cabinet AD(E) in relation to noise
Part iv		
S.92	Power to serve litter abatement Notice	AD(E)/SWM
S.93	Power to serve street litter control Notice	AD(E)/SWM
Part viii		
S.149	Seizure of stray dogs	EHO/TO/AHI/DW

**Food and Environment Protection Act 1985
The Control of Pesticides Regulations 1986**

Legislation	Extent of Delegation	Delegated To
	Designation of appropriate Officers for the purposes of enforcement of the Act and Regulations.	AD(E)/EHM

cont'd

Legislation	Extent of Delegation	Delegated To
	Designation of proper officers to receive notification of aerial crop spraying (FEPA)	AD(E)/EHM

Food Safety Act 1990

Legislation	Extent of Delegation	Delegated To
	Power to authorise, in writing any persons (whether or not an Officer of the Authority) either generally or specifically to act in matters arising under the Act and Regulations or Orders made thereunder including approval of establishments (subject to no person being authorised unless he/she has such qualifications as may be prescribed by Regulations)	AD(E)/EHM

Health and Safety (Enforcing Authority) Regulations 1989

Legislation	Extent of Delegation	Delegated To
	Transfer of premises	AD(E)/EHM

Health and Safety at Work etc. Act 1974 and the Relevant Statutory Provisions

Legislation	Extent of Delegation	Delegated To
	To appoint inspectors and other persons for the purposes of the Act and relevant statutory provisions. The Act gives appointed officers powers to serve notices, enter premises, remove/ render harmless articles or substances, investigate, examine, take recordings, photographs, measurements, seize articles or substances, require information, take copies of documents etc.	AD(E)/EHM

Local Government (Miscellaneous Provisions) Act 1976

Legislation	Extent of Delegation	Delegated To
S.16	Power to obtain particulars of persons interested in land	TM
S.20	Power to serve Notice requiring provision of sanitary accommodation at places of entertainment	EHM
	Approval of Policy re numbers of appliances	Cabinet
	Deviation from approved policy under certain circumstances	EHM
S.35	Power to serve Notice requiring removal of obstruction from private sewer	AD(E)/EHM

Local Government (Miscellaneous Provisions) Act 1982

Legislation	Extent of Delegation	Delegated To
S.14	Duty of LA to register any person who applies for registration in respect of the practice of acupuncture NOTE: It is an offence for any person to carry on acupuncture without such registration but the LA must register any applicant, who then has to comply with local byelaws.	AD(E)/EHM
S.15	Similar provisions to S.14 with respect to tattooing, ear piercing and electrolysis. Again there is no discretion, all applicants must be registered.	AD(E)/EHM
S.29	Power to serve Notice requiring execution of works to prevent unauthorised entry to buildings and to recover expenses.	AD(E)/EHM

Natural Mineral Water Spring Water and Bottled Drinking Water Regulations 1999

Legislation	Extent of Delegation	Delegated To
	Recognition of natural mineral waters	AD(E)/EHM

Performing Animals Act 1925

Legislation	Extent of Delegation	Delegated To
	Power to license Performing Animals	Approve - AD(E)/ EHM Refuse - LSC
	Determination of Application Fee	Cabinet

Pet Animals Act 1951

Legislation	Extent of Delegation	Delegated To
S.1	Power to grant or refuse licences	Approve - AD(E)/ EHM Refuse - LSC

Pollution Prevention and Control (England and Wales) Regulations 2000

Legislation	Extent of Delegation	Delegated To
Part II Regulation 10	Authority to issue Permits	Approve - AD(E) Refuse - LSC
Part II Regulation 17	Authority to vary Permits	AD(E)/EHM
Part II Regulation 19(8)	Authority to accept surrender of Permit	LSC
Part II Regulation 21	Authority to revoke Permits	LSC
Part III Regulation 24	Authority to issue Enforcement Notice	AD(E)/EHM
Part III Regulation 25	Authority to issue Suspension Notice	AD(E)/EHM
Part III Regulation 26	Authority to take steps to prevent or remedy pollution	AD(E)/EHM
Schedule 4 Paragraph 4	Authority to Serve Notice requiring information in pursuit of determining a Permit application	AD(E)/EHM

Schedule 7 Paragraph 3	Authority to Serve Notice requiring information in pursuit of determining a Permit variation	AD(E)/EHM
P 11 Regulation 18(9)	Authority to Serve Notice requiring information in pursuit of determining a Permit Transfer	AD(E)/EHM
Part V Regulation 28(2)	Authority to Service Notice requiring a person to furnish the regulator with Information necessary for the discharge of their functions	Pollution Control Manager
Schedule 4 Paragraph 11	Authority to Serve Notice to information of intention to improve off site conditions	AD(E)/EHM
Part VI Regulation 33	Authority to institute proceedings in the High Court	LSC

Prevention of Damage by Pests Act 1949

Legislation	Extent of Delegation	Delegated To
S.2	Power to carry out inspections and destroy rats/mice	EHO/TO
S.4 & S.6	Power to enforce duties of owners and occupiers and to serve notices	AD(E)/EHM

Protection of Animals Act 1911-1964

Legislation	Extent of Delegation	Delegated To
	Power to act on behalf of the Council	EHO/TO/AHI/DW

Public Health (Control of Diseases) Act 1984

Legislation	Extent of Delegation	Delegated To
S.1	Power to appoint Proper Officers for the purposes of notifiable disease and food poisoning.	AD(E) & EHM's
Legislation	Extent of Delegation	Delegated To
S.16	LA may resolve to make temporary order in relation to making a disease notifiable within its district, other than those specified in S.10 and S.13.	AD(E)/EHM

cont'd

Legislation	Extent of Delegation	Delegated To
S.23	Prohibition and restriction of admission of persons under a prescribed age to places of entertainment or assembly.	AD(E)/EHM
S.24	Power to require information from the occupier of any building in relation to the laundering of articles.	AD(E)/EHM
S.25	Power to disinfect or destroy library books exposed to infection from notifiable disease.	AD(E)/EHM
S.26	Power to serve notice in relation to infected material.	AD(E)/EHM
S.28	Prohibition of certain works on premises where notifiable disease exists.	AD(E)/EHM
S.30	Power to serve notice on owners and occupiers of houses in relation to cessation of occupation after recent case of notifiable disease.	AD(E)/EHM
S.31	Power to serve Notice to cleanse and disinfect premises and to disinfect and destroy articles.	AD(E)/EHM
S.32	Power to cause the removal of any person from any house where infectious disease has occurred, and the provision of temporary accommodation.	AD(E)/EHM
S.34	Power to provide for disinfection of public conveyance.	AD(E)/EHM
S.37	Power to apply to a Justice of the Peace for an order to remove to hospital a person suffering from a notifiable disease.	AD(E)/EHM
S.38	Power to apply to a Justice of the Peace for the detention in hospital of a person suffering from a notifiable disease.	AD(E)/EHM

cont'd

Legislation	Extent of Delegation	Delegated To
S.41	Power to remove by order a person suffering from a notifiable disease from a common lodging-house to a hospital.	AD(E)/EHM
S.42	Power to apply to a Magistrates' Court for a common lodging-house to be closed.	AD(E)/EHM
S.51	Power to take such steps as necessary to prevent the spread of infectious disease in relation to persons on a canal boat.	AD(E)/EHM

Public Health (Infectious Diseases) Regulations 1988

Legislation	Extent of Delegation	Delegated To
Reg.11	Power to take measures for destroying all rats in district and preventing rats from gaining entry into buildings.	AD(E)/EHM

Public Health Act 1936

Legislation	Extent of Delegation	Delegated To
S.45	Power to serve Notices requiring repair of closets	AD(E) & EHM
S.48	Examination of drains	AD(E)/EHM
S.50	Power to serve Notice re overflowing or leaking cesspools	AD(E)/EHM
S.78	Power to cleanse common courts and passages	AD(E)/EHM/ SWM/EWTM
S.79	Power to serve Notice requiring removal of noxious material	AD(E)/EHM SWM/EWTM
S.83	Power to serve Notice requiring cleansing of filthy or verminous premises	AD(E)/EMH/ SWM/EWTM
S.84	Power to cleanse or destroy filthy or verminous articles	AD(E)/EMH/ SWM/EWTM

cont'd

Legislation	Extent of Delegation	Delegated To
S.85	Power to cleanse filthy and verminous persons and their clothing	AD(E)/EHM
S.140	Power to close or restrict use of water from polluted supply	AD(E)/EHM
S.259, S.260, S.261	Power to deal with ponds, ditches, etc. in such a state as to be prejudicial to health or a nuisance	AD(E)/EHM
S.262	Power to require culverting of watercourses	AD(E)/EHM
S.264	Power to require repair maintenance and cleansing of culverts	AD(E)/EHM
S.268	Power to deal with nuisance from tents, vans, sheds, etc.	AD(E)/EHM
S.269	Power to issue, either conditionally or otherwise or refuse to issue, licences in respect of movable dwellings	Grant - AD(E)/EHM Refuse - LSC
S.275	Power to carry out works by agreement	AD(E)/EHM
S.276	Sale of materials	AD(E)/EHM

Public Health Act 1961

Legislation	Extent of Delegation	Delegated To
S.17	Power to repair drains, etc.	AD(E)/EMH
S.34	Power to remove rubbish	AD(E)/EHM/ SWM/EWTM
S.36	Power to require vacation of premises during fumigation	AD(E)/EHM
S.37	Prohibition of sale of verminous articles	AD(E)/EHM
S.74	Power to reduce number of pigeons and other birds in built up areas	AD(E)/EHM

Legislation	Extent of Delegation	Delegated To
--------------------	-----------------------------	---------------------

Refuse Disposal (Amenity) Act 1978

S.3	Power to remove abandoned vehicles	CM/TM(W)/ EPM
S.4	Power to dispose of abandoned vehicles	CM/TM(W)/ EPM
S.6	Power to remove other refuse	CM/TM(W)/ EPM

Riding Establishments Act 1964 and 1970

Legislation	Extent of Delegation	Delegated To
--------------------	-----------------------------	---------------------

S.1	Power to grant or refuse licences	Approve - AD(E)/ EHM Refuse - LSC
	Determination of charges for licences	Cabinet
S.2	Power to authorise suitably qualified personnel to enter premises and inspect	AD(E)/EHM

Slaughter of Poultry Act 1967

Legislation	Extent of Delegation	Delegated To
--------------------	-----------------------------	---------------------

S.2	Registration of premises.	AD(E)/EHM
S.6	Power to make arrangements for the supervision of premises etc. by persons having specified qualifications.	AD(E)/EHM

Sunday Trading Act 1994

Legislation	Extent of Delegation	Delegated To
--------------------	-----------------------------	---------------------

Para. 3, Schedule 2	Relating to appointment of Officers to enforce the provisions of the Act.	AD(E)/EHM
---------------------	---	-----------

Swine Fever (Infected Area Restrictions) Order 1956, Swine Vesicular Disease Order 1972, and Foot and Mouth Disease Order 1983

Legislation	Extent of Delegation	Delegated To
--------------------	-----------------------------	---------------------

	Power to authorise or license any	AD(E)/EHM
--	-----------------------------------	-----------

cont'd

Legislation	Extent of Delegation	Delegated To
	market, sale, fair or exhibition of animals or swine, or any gathering of animals at a collection centre or certification centre, or live weight certification centre of swine.	

Town and Country Planning Act 1990

Legislation	Extent of Delegation	Delegated To
S.215 and 219	Power to Serve Notices on owners and occupiers of land requiring the removal of waste etc.	SWM

Water Industry Act 1991

Legislation	Extent of Delegation	Delegated To
S.77	Duty of Local Authority to keep itself informed of water quality	AD(E)/EHM
S.78	Duty of Local Authority to notify water undertaker and Secretary of State of unsatisfactory public supply.	AD(E)/EHM
S.79	Powers of Local Authority to require water undertaker to provide a wholesome supply of water	AD(E)/EHM
S.80	Remedial powers of Local Authority in relation to private water supply	AD(E)/EHM
S.81	Requirement to confirm certain private supply notices with Secretary of State	AD(E)/EHM
S.82	Enforcement and variation of private supply notices.	AD(E)/EHM
S.83	Duty of Local Authority to act as if a water undertaker in certain circumstances.	AD(E)/EHM
S.84	Powers of entry	AD(E)/EHM
S.85	Power to obtain information	AD(E)/EHM

West Yorkshire Act 1980

Legislation	Extent of Delegation	Delegated To
S.44	Power to serve Notice requiring control of the emission of dust.	EHO
	Power to give consent to steps	EHO
	proposed to be taken to prevent the emission of dust.	
S.81	Power to serve Notice re trees impeding natural light.	AD(E)/EHM

Working Time Regulations 1998

Legislation	Extent of Delegation	Delegated To
	Power to appoint inspectors to enforce the Working Time Regulations 1998.	AD(E)/EHM

Zoo Licensing Act 1981

Legislation	Extent of Delegation	Delegated To
	Power to issue licences	AD(E)/EHM
	Granting of requests for dispensations	AD(E)/EHM
	Power to refuse licences	LSC

Generally

Authorisations Required

The AD(E) is empowered to authorise suitably qualified officers, as appropriate, to undertake duties and responsibilities, including Powers of Entry, under the following statutes and regulations and orders made thereunder:-

1. Public Health Act 1936
2. Public Health Act 1961
3. Prevention of Damage by Pests Act 1949
4. Clean Air Act 1993
5. Local Government (Miscellaneous Provisions) Act 1976
6. Local Government (Miscellaneous Provisions) Act 1982
7. Refuse Disposal (Amenity) Act 1978
8. West Yorkshire Act 1980
9. Control of Pollution Act 1974

contd'

10. Caravan Sites and Control of Development Act 1960
11. Building Act 1984
12. Pet Animals Act 1951
13. Riding Establishments Acts 1964 and 1970
14. Animal Boarding Establishments Act 1963
15. Breeding of Dogs Act 1973
16. Dangerous Wild Animals Act 1976
17. Environmental Protection Act 1990
18. Environment Act 1995
19. Dangerous Dogs Act 1991
20. Dogs (Fouling of Land) Act 1996
21. Water Industry Act 1991
22. Food Safety Act 1990
23. Public Health (Control of Diseases) Act 1984
24. Public Health (Infectious Diseases) Regulations 1988
25. Slaughter of Poultry Act 1967
26. Animal Health Act 1981
27. Swine Fever/Swine Vesicular Disease/Foot and Mouth Disease Orders
28. The Agriculture (Miscellaneous Provisions) Act 1968
29. Natural Mineral Water Spring Water and Bottled Drinking Water Regulations 1999
30. Health & Safety at Work etc. Act 1974
31. Health & Safety (Enforcing Authority) Regulations 1989
32. Sunday Trading Act 1994
33. Zoo Licensing Act 1981
34. Performing Animals Act 1925
35. Protection of Animals Act 1911-1964
36. Food & Environment Protection Act 1985
37. The Control of Pesticides Regulations 1986
38. Crime and Disorder Act 1998
40. Working Time Regulations 1998

Former Public Convenience Sites

The AD(E) is authorised to arrange disposal and/or alternative use of former public convenience sites up to 0.25 acre including buildings remaining on site where appropriate, following the satisfactory outcome of consultations with Ward Members; in cases where Ward Members raise objections a report is to be submitted to Cabinet for determination.

Environment Budget Allocations

The Head of the Environment Unit is authorised to approve small environmental grants up to £500 for local voluntary groups from the voluntary sector funding allocation within the Environment Budget.

Banning of Trade Waste and Residents Permits at Household Waste and Recycling Centres

The Director of Environment and Transportation is authorised to determine how the ban of trade waste is upheld and how to avoid Kirklees residents meeting the cost of disposing of rubbish dumped by people from outside the Borough.

Landfill Tax Rebate Allocations

The Director of Environment and Transportation, in consultation with the Cabinet Member is authorised to:-

- (i) allocate funding to environmental projects up to a maximum of £1500;
- (ii) increase the amounts granted in cases where projects have been agreed (in principle) and additional funding becomes available at Landfill Tax year end.

Highways Matters

Delegated as appropriate from:-

- (1) The Cabinet
- (2) Planning and Highways Committee

1. Assistant Director for Highways and Transportation or nominated Officer

- 1.1 Acting after consultation with the Cabinet Member or the Committee Chair (as appropriate) to authorise prosecutions and appeals in highways and transportation and related matters.
- 1.2 Acting after consultation with the Cabinet Member to approve planned overtime; such decision to be reported to the next meeting of Cabinet for information.
- 1.3 To arrange for the making of permanent and temporary traffic regulation orders.
- 1.4 To authorise operative dates for traffic regulation orders.
- 1.5 To deal with objections to any licence applications relating to the operation of heavy goods vehicles and that in addition to the Highways and Transportation Manager such other officers as she/he shall nominate will be authorised signatories for the purposes of making an objection.
- 1.6 To authorise agreements under Section 38 of the Highways Act 1980, to authorise the release of any cash deposit, bond, or other security retained thereunder upon the satisfactory completion of the works and, in consultation with the Solicitor to the Council to arrange for the calling in of the bond etc. when the developer is in default and for the carrying out of the work using the bond monies etc. held under the agreement.
- 1.7 To accept the dedication of land for highway purposes.
- 1.8 To adopt roads as highways maintainable at the public expense, whether following private street works, Advance Payment Code deposit, section 38

Agreements or otherwise.

- 1.9 To implement approved private street works schemes, to be the proper Officer of the Council for that purpose, and to approve final apportionments where the final cost does not exceed the provisional apportionment by more than 15%.
- 1.10 To serve Advance Payment Code notices and, together with the Solicitor to the Council, to authorise refunds and repayments in accordance with the code when works have been completed to his/her satisfaction or upon completion of a Section 38 Agreement.
- 1.11 To respond to the Department of Transport upon applications under Section 247 of the Town and Country Planning Act 1990.
- 1.12 To respond to the Peak Park Planning Authority upon the highway implications of planning applications within the Peak Park.
- 1.13 To manage all Council off-street and on-street car parks.
- 1.14 For the purposes of Off-Street Parking Places Orders and On-Street Parking Places Order to remove or arrange for the removal of vehicles left in a parking place in contravention of any provisions referred to in such Orders.
- 1.15 For the purposes of On-Street Parking Permit Schemes to deal with requests for and to issue all discretionary and business permits including the fixing of any charges.
- 1.16 To implement Traffic Regulation Orders where there are no objections, subject to informing local members before and after the consultation period.
- 1.17 To exercise the Highway Authority's powers to remove obstructions and encroachments and abate nuisances and to serve notices and execute works as may be necessary.
- 1.18 To deal with applications to hold events and activities on the public highway in accordance with the approved guidelines.
- 1.19 To exercise the following powers and functions on behalf of the Highway Authority:-

Highways Act 1980

- | | |
|------------|---|
| Section 57 | default powers of highway authorities in respect of non-repair of privately maintainable highways |
| Section 59 | recovery of expenses due to extraordinary traffic |
| Section 80 | power to fence highways |

cont'd

Section 96	power of highway authorities to plant trees, lay out grass verges, etc.
Section 131A	disturbance of surface of certain highways
Sections 134 & 135	ploughing of footpath or bridleway and temporary diversion of path or way for that purpose
Section 137	penalty for wilful obstruction
Section 137A	interference by crops
Sections 139, 140 & 140A	control, removal and charging for builders skips
Section 141	restriction on planting of trees etc. in or near highway
Section 143	power to remove structures from highways
Section 144	power to erect flagpoles etc. on highways
Section 145	power as to gates across highways
Section 146	duty to maintain stiles etc. on footpaths and bridleways
Section 147	power to authorise erection of stiles etc. on footpaths or bridleways
Section 147A	control of roadside sales
Section 149	removal of things so deposited on highways as to be a nuisance etc.
Section 151	prevention of soil etc. being washed onto street
Section 152	powers as to removal of projections from buildings
Section 153	doors etc. in streets not to open outwards
Section 154	cutting and felling trees etc. that overhang or are a danger etc.
Sections 161 & 161A	danger or annoyances
Section 163	prevention of water falling on or flowing onto highway
Section 164	power to require removal of barbed wire

contd'

Section 165	dangerous land adjoining street
Section 166	forecourt abutting on street
Section 167	powers relating to retaining walls near streets
Section 169	control of scaffolding on highways (including the issue of licences thereunder)
Section 171	control of deposit of building materials, and making excavations in streets
Section 171A	charge for occupation of the highway (including determination of these charges)
Section 172	hoardings to be set up during building etc.
Section 173	hoardings to be securely erected
Section 174	precautions to be taken by persons executing works in streets
Section 179(4)	control of construction of cellars, etc. under streets
Section 180(7)	control of openings into cellars etc. under streets
Section 184	vehicle crossings over footways and verges (including the determination of charges thereunder)
Section 230	urgent repairs to private streets
Section 278	contributions towards highway works by persons deriving special benefit from them (where there is an existing planning permission for the works)
Schedule 12A	further powers of Highway Authorities and Councils in relation to interference with Highways under Sections 131A, 134 and 135
The New Roads & Streets Act 1991	Part III - all, including the determination of any appropriate fees or charges

1.20 To authorise licences and consents under the following powers:-

Highways Act 1980

contd'

- | | |
|-------------------|--|
| Section 142 | licence to plant trees, shrubs etc. in a highway |
| Section 176 | construction of bridges over highways |
| Section 177 | construction of buildings over highways |
| Section 178 | placing rails, beams, etc. over highways |
| Section 179 | construction of cellars etc. under streets |
| Section 180 | openings into cellars etc. under streets and pavement lights and ventilators |
| Section 181 & 182 | placing etc. of certain apparatus in or under a highway |
- 1.21 To serve notices under Section 297 Highways Act 1980 and/or Section 16 Local Government (Miscellaneous Provisions) Act 1976 with regard to the ownership of land for the purposes of highways and transportation and related functions.
- 1.22 Rights of Entry - To authorise entry to carry out surveys under Section 289 of the Highways Act 1980; to authorise entry under Section 291 of the Highways Act 1980; and to authorise entry for any purpose under paragraph 7 of Schedule 12A, Highways Act 1980.
- 1.23 Land Drainage - To exercise the following powers (as Land Drainage Body)
- | | |
|--|---|
| Section 264
Public Health
Act 1936 | power to require repair and cleansing of culverts |
| Section 64
Land Drainage
Act 1991 | powers of entry |
| Section 25
Land Drainage
Act 1991 | maintenance of flow of watercourses |
- 1.24 To determine applications for consent to the display of temporary signs on lighting columns.
- 1.25 To determine the kerbside collection of wheeled bins.
- 1.26 To fix charges for the training of road users under Section 39 of the Road Traffic Act 1988.

cont'd

- 1.27 To authorise in consultation with the Cabinet Member and local Ward Members changes, remove existing crossings and introduce new crossings in accordance with the criteria and that the alterations be reported to the next meeting of Cabinet.
- 1.28 To authorise the erection of signs on street furniture and to arrange for the issue of licences for authorised signs/goods displayed, further, to take enforcement actions to remove signs/goods in locations which do not meet the agreed criteria.
- 1.29 To establish school crossing patrols in accordance with the agreed criteria.
- 1.30 To consider applications for and to authorise (in consultation with the Cabinet Member) Local Transport Plan capital grants (subject to appropriate conditions) to public, private and voluntary sector employers up to a level of £5,000 from the "Sustainable Travel to Work and Schools" budget for the purpose of developing Workplace Travel Plans for projects likely to improve or promote social, economic or environmental well being of the Council's area having had regard to the Council's community strategy and any statutory guidance pursuant to Section 2 of the Local Government Act 2000.
- 1.31 To make Parking Place Orders including Amendment and Consolidation Orders.
- 1.32 To confirm Parking Place Orders where there are no objections subject to informing local Members before and after the consultation period.
- 1.33 To authorise the operative dates for Parking Place Orders.
- 1.34 To Serve Notices pursuant to Sections 35(c) and 46 of the Road Traffic Regulation Act 1984 to vary changes at all off on-street parking places subject to prior approval by Cabinet of the new changes.

2. Solicitor to the Council

N.B. All powers, other than item 2.11 below, to be exercised after consultation with the Assistant Director for Highways and Transportation.

- 2.1 To make temporary Traffic Regulation Orders.
- 2.2 To complete Agreements under Section 38 of the Highways Act 1980 and for the dedication of land as highway and to enter into easements and other agreements incidental or ancillary thereto.
- 2.3 To arrange for the calling in of the bond etc. when the developer defaults under the terms of the Section 38 Agreement and to authorise the carrying out of the work using the bond monies etc. held under the Agreement.

cont'd

- 2.4 To arrange for the repayment of deposits held under the Advance Payment Code under the Highway Act 1980 when work has been satisfactorily completed, or to authorise the use of the deposits held under the Code so as to complete the street works.
- 2.5 To initiate any legal proceedings in connection with:-
- (i) the enforcement of liability to maintain unadopted streets
 - (ii) the removal of obstructions, nuisances or encroachments to highways
 - (iii) the enforcement of the bond or other security held under a Section 38 Agreement
- 2.6 To issue licences under the following powers:-
- Highways Act 1980
- | | |
|-------------------|---|
| Section 142 | licence to plant trees, shrubs etc. in a highway |
| Section 176 | construction of bridges over highways |
| Section 177 | construction of buildings over highways |
| Section 178 | placing rails, beams, etc. over highways |
| Section 179 | construction of cellars etc. under streets |
| Section 180 | openings into cellars etc. under streets, pavements, lights and ventilators |
| Section 181 - 183 | placing etc. of certain apparatus in or under a highway |
- 2.7 To serve notices as may be necessary under any of the powers delegated to the Assistant Director of Highways and Transportation by this Scheme of Delegation.
- 2.8 To apply to a Magistrates' Court for an Order allowing an Officer to enter any premises under Section 294 of the Highways Act 1980.
- 2.9 To serve notices under Section 297 Highways Act 1980 and/or Section 16 Local Government (Miscellaneous Provisions) Act 1976 with regard to the ownership of land for the purposes of highways and transportation and related functions.

cont'd

- 2.10 To confirm unopposed orders under the Highways Act 1980, Town and Country Planning Act 1990, and Wildlife and Countryside Act 1981, with regard to footpaths, bridleways and bye-ways open to all traffic, and in relation to opposed orders to take all steps to present the Council's case on written representations and any public enquiries.
- 2.11 To make Orders under the Town Police Clauses Act 1847 for temporary closure of highways for special events of a social, sporting or charitable nature.
- 2.12 To lodge holdings objections to bus fare increases and service alterations with Traffic Commissioners and such Officers as he shall nominate will also be authorised signatories for the purpose of making an objection.
- 2.13 To commence proceedings in the Magistrates' Court for contravention of a On and Off-Street Parking Orders.

HOUSING AND PROPERTY MATTERS

Delegated from the Cabinet.

Housing Matters

N.B. Housing Management functions are largely delegated to the Council's Arms Length Company "Kirklees Neighbourhood Housing". These delegations should be read in the light of that.

1. Director of Housing

- 1.1 To authorise legal proceedings in all housing related matters dealt with by Cabinet subject to the Cabinet Member being informed of such action.
- 1.2 To authorise prosecutions in all housing related matters dealt with by Cabinet, wherever necessary.
- 1.3 General management, maintenance, regulation and control of all of the Authority's dwellings held under Part II of the Housing Act 1985 (Provision of Housing Accommodation) and all other forms of property, land and buildings held or managed for housing purposes, including oversight of and liaison with Kirklees Neighbourhood Housing.
- 1.4 General authority in matters covered by Part IV of the Housing Act 1988 (Change of Landlord: Secure Tenants) to act for the Council in respect of:
 - (a) Notices of information in response to applications.
 - (b) Determination of property to be included in the application.
 - (c) Determination of purchase price as laid out in the Act.

cont'd

- (d) Response to notice by applicant of intention to proceed.
- (e) Completion of any application and transfer of properties.
- 1.5 To maintain proper accounts under Part VI of the Local Government and Housing Act 1989.
- 1.6 To provide annual reports to tenants as required by the Part IX Local Government and Housing Act 1989.
- 1.7 To authorise Officers to enter premises in pursuance of any power conferred by legislation relating to housing matters.
- 1.8 To manage the Supporting People Budget after 1 April 2003 making appropriate payments to Service Providers.
- 1.9 To do any act otherwise delegated by this Scheme to any other Officer within Housing Services.

2. Service Managers

- 2.1 To take any necessary action to recover possession of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes and any arrears of rent or other debt due in respect thereof.
- 2.2 To determine the allocation of Council dwellings in accordance with the Council's policies and procedures.
- 2.3 To implement any programme of improvement, repair, modernisation or demolition of Council dwellings.
- 2.4 To approve sales of land under one quarter acre and disposals short of total sale (e.g. grants to Wayleaves) affecting parcels of less than one quarter acre.
- 2.5 To arbitrate where persons who could succeed to secure tenancies under Section 89 of the Housing Act 1985 cannot agree.
- 2.6 In his/her absence to do all things otherwise delegated to the Director of Housing.
- 2.7 To do all things otherwise delegated to any officer in his/her respective Division.

3. **Contract Managers/Area Managers/Principal Housing Managers**

3.1 Under the Housing Act 1985:

- (a) To determine the allocation of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes in accordance with relevant policies.
- (b) To issue Notices to Quit or Notices of Seeking Possession or Notices of Termination, as necessary, in order to commence proceedings for possession of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes and to take such further action as is necessary to obtain possession thereof.
- (c) To authorise proceedings for pursuit and recovery of rent arrears, former tenants' rent arrears and any miscellaneous claim in respect of damage suffered to property held or managed for housing purposes.
- (d) To take all necessary steps to ensure that the terms of the Council's Tenancy Agreement are complied with.
- (e) To approve the determination of persons qualified to succeed upon the death of a secure tenant.
- (f) To give or refuse consent to assignments of tenancy including those by way of exchange.
- (g) To give or refuse consent to the sub-letting or parting with possession of part of a dwelling by the Secure Tenant.

3.2 To instruct the Solicitor to the Council to take all necessary legal proceedings to obtain possession of properties which are being occupied without authority, and to issue any necessary Notices.

3.3 To authorise and implement the general maintenance of Council dwellings and communal areas including any property, land or buildings held or managed for housing purposes.

3.4 To authorise temporary accommodation for persons ordinarily resident in private sector housing in appropriate cases where their homes are undergoing major works of improvement and/or repair.

3.5 To recharge tenants (or others) with the cost of repairs/replacements and to permit exemption in proven cases of hardship from this requirement.

3.6 To provide information no tenancies and allocations under Part IV of the Housing Act 1985 (Secure Tenancies and Rights of Secure Tenants).

- 3.7 To determine tenants' improvements applications for the installation of approved appliances and fittings; the execution of suitable internal/external alterations, and the provision of vehicle hardstandings, garages and other miscellaneous structures to dwellings held or managed for housing purposes, such works in each case to be carried out at the expense of the tenant.
- 3.8 To determine applications by tenants to install satellite TV dish aerials.
- 3.9 To submit planning applications for the construction of, or use of land for premises as Housing Area Offices.
- 3.10 Under Part II and III of the Housing Act 1985 (Provision of Housing Accommodation and Housing and Homeless) to approve;
 - (a) Provision of furnishings, fittings, board and laundry facilities.
 - (b) Financial assistance towards tenants/residents removal expenses.
 - (c) The exercise of powers of entry to premises held or managed for housing purposes in order to carry out survey and/or examination of works.
 - (d) The storage and/or disposal of property coming into the Council's possession as a result of its housing function.
- 3.11 To implement the Council's current policy and procedure relating to decoration allowances and decanting.
- 3.12 To take all necessary steps to comply with Section 96 of Housing Act 1985 (Right to Repair).

4. Principal Manager (Contract Finance)

- 4.1 To be the Designated Officer for the Administration of the Concessionary TV Licence Scheme.
- 4.2 To take any action considered necessary for the recovery of current or former tenant arrears arising from any group heating scheme.
- 4.3 To determine Service Charges payable after disposal of dwellings and provision of information as required by Part II of the Housing Act 1985 (Section 45 et seq). To issue accounts and recover arrears.
- 4.4 To fix and control district heating charges to tenants pursuant to Part IV Housing Act 1985 (Section 108). To issue accounts and recover arrears.
- 4.5 To authorise any proceedings for pursuit and recovery of rent arrears, former tenants' arrears and any miscellaneous claim in respect of damage suffered to property held or managed for housing purposes.

5. Homelessness and Housing Needs Manager

- 5.1 To provide a service to fulfil the Council's obligations to deal with homelessness and threatened homelessness in accordance with the Housing Act 1985 and/or any subsequent legislation.

6. Accommodation Manager/Assessment Manager

- 6.1 To instruct the Solicitor to the Council to take all necessary legal proceedings to obtain possession of properties which are being occupied without authority.
- 6.2 Under the Housing Act 1985:
- (a) To determine the allocation of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes in accordance with relevant policies.
 - (b) To issue Notices to Quit or Notices of Seeking Possession or Notices of Termination, as necessary, in order to commence proceedings for possession of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes and to take such further action as is necessary to obtain possession thereof.
 - (c) To authorise proceedings for pursuit and recovery of rent arrears, former tenants' rent arrears and any miscellaneous claim in respect of damage suffered to property held or managed for housing purposes.
 - (d) To take all necessary steps to ensure that the terms of the Council's Tenancy Agreement are complied with.
- 6.2 To authorise and implement the general maintenance of Council dwellings and communal areas including any property, land or buildings held or managed for housing purposes.
- 6.3 To authorise temporary accommodation for persons ordinarily resident in private sector housing in appropriate cases where their homes are undergoing major works of improvement and/or repair.
- 6.4 To recharge tenants (or others) with the costs of repairs replacements and to permit exemption in proved cases of hardship from this requirement.
- 6.5 In his/her absence to do all things otherwise delegated to the Homelessness and Housing Needs Manager.
- 6.6 To make determinations under Part III of the Housing Act 1985.
- 6.7 Under the Housing Act 1985 (Provision of Housing Accommodation and Housing the Homeless), to authorise:

- (a) Provision of furnishings, fittings, board and laundry facilities.
- (b) Financial assistance towards tenants/residents removal expenses.
- (c) The exercise of powers of entry to premises held or managed by Cabinet for the purpose of survey and/or examination of works.
- (d) The storage and/or disposal of property coming into the Council's possession as a result of its housing function. (See also delegated powers of Area Housing Managers).

6.8 To procure and allocate temporary accommodation to homeless persons to whom the Council owes a duty under Part III of the Housing Act 1985.

6.9 To agree terms and conclude agreements with hoteliers for bed and breakfast accommodation for homeless people when other temporary accommodation is not available.

7. Service Finance Officers and Right to Buy Officers and Contract Managers

7.1 To operate the Right to Buy Scheme, as governed by current legislation, together with the exercise of such repayment provisions specified by that legislation.

7.2 To operate the Rents to Mortgage Scheme, as governed by current legislation.

8. Principal Manager (Private Sector)

8.1 To instruct the Solicitor to the Council, following consultation with the Head of Design and Property Service to conclude the purchase by agreement with owners of land, premises, etc. within clearance areas or areas affected by proposed Compulsory Purchase Orders.

8.2 To make a Closing Order or Demolition Order in the case of any unfit dwellings where it is considered the most appropriate course of action.

8.3 To determine all matters relating to breaches of grant conditions and the subsequent recovery of grant payments.

8.4 To make a Control Order in the case of any Flat or House in Multiple Occupation where this is deemed to be the most appropriate course of action.

8.5 Power under Sections 215 and 219 of the Town and Country Planning Act 1990 to Serve Notices on owners of land where the land is in such a condition that it adversely affects the amenity of the area.

9. **Improvement Managers/Principal Manager (Private Sector)**

- 9.1 To serve Notices under the Building Act 1984 to remedy the state of defective premises prejudicial to health or a nuisance, to require sufficient facilities for drainage and to require repair, demolition or works of restoration to ruinous or dilapidated buildings or sites. To authorise works in case of default by owners served with such Notices.
- 9.2 To deal with any matters arising under the Local Government (Miscellaneous Provisions) Act 1976 and any amending enactments relating to assistance in cases where supplies of gas, electricity or water have been disconnected.
- 9.3 To authorise such works of support and/or weatherproofing to gable walls exposed by demolition, as are considered necessary including the provision of cavity wall where considered to be the most appropriate.
- 9.4 To serve notices under the Housing Act 1985, any amending enactments and other relevant enactments to require the good management and/or safety or improvement or repair of or provision of means of escape from fire to houses or flats or houses or flats in multiple occupation or the common parts of any building, including the abatement of overcrowding and all matters arising from the service of such Notices. To authorise default works following non-compliance with such Notices and any Court proceedings.
- 9.5 To determine grants for the improvement, repair or conversion of houses or flats and house or flats in multiple occupation including the provision of separate water service pipes, adaptations for persons with disabilities and for the common parts of the building occupied as flats.
- 9.6 The service of Notices for the protection of unoccupied buildings to prevent unauthorised access and to authorise default works in the event of non-compliance with such Notices, together with the power to recover the expense thereof and to take any court proceedings.
- 9.7 To require registration of houses in multiple occupation.
- 9.8 To authorise payments at interim and completion stages of all types of approved grants.
- 9.9 To determine the revocation of Closing or Demolition Orders or Undertakings where premises have been restored to fitness for human habitation.
- 9.10 To identify areas for declaration as Renewal Areas and to conduct housing surveys so as to report upon housing conditions, authorise Neighbourhood Renewal Assessments and recommend the most appropriate options for dealing with the conditions recommending proposed policy changes in accordance with such duty imposed upon the Authority by the Housing Act 1985 and amending enactments.

- 9.11 The service of Notices requiring information about interests in an ownership of land, premises, etc. and any matter arising from the service of such Notices.
 - 9.12 Service of Notices relating to Powers of Entry to any premises for the purposes of survey and examination.
10. **Tenancy Relations Officers/Improvement Managers/Principal Manager (Private Sector)**
- 10.1 To instruct the Solicitor to the Council to take all necessary legal proceedings in cases of harassment and illegal eviction under the Protection from Eviction Act 1977 and other offences under the Housing Act 1988 and Landlord and Tenant Act 1985 (rent books and information)
 - 10.2 To arrange re-instatement of services to properties under the Local Government Miscellaneous Provisions Act 1976.
11. **Adaptations Manager/Principal Manager (Housing and Health)**
- 11.1 To determine disabled facility grants (and related improvement grants) for the provision of adaptations for people with disabilities.
 - 11.2 To determine all requests for adaptations to Council properties for people with disabilities.
 - 11.3 To operate the Disabled Facilities Grant and Council tenants' means testing scheme for adaptations.
 - 11.4 To recharge tenants (or others) with their assessed contribution towards the cost of adaptations, and to permit exemption in proven cases of hardship from this requirement.
 - 11.5 To authorise proceedings for pursuit and recovery of charges for the provision of adaptations.
 - 11.6 To reimburse tenants towards the cost of their contributions toward adaptations in line with current policy.
 - 11.7 To authorise financial assistance towards tenants/residents rehousing expenses in line with current policy, where such expenses would avoid greater expenditure on adaptations.
12. **Principal Surveyor (Client)**
- 12.1 To determine applications for reimbursement of costs for former tenants improvements in line with current Council policy with the exception of applications which involve home extensions.

13. Solicitor to the Council

- 13.1 To postpone the Council's Statutory Charge, where a property is mortgaged to an approved lending institution under the Housing Act 1985 is mortgaged to another lending institution, or where a secure loan is required from the original approved lending institution or from another approved lending institution, subject in each case:
- (a) The Solicitor to the Council being satisfied that the value in each case of the property concerned is, or will be, sufficient to adequately protect the Council's interests.
 - (b) Any and all costs incurred by the Council in the granting of the postponement being met in full by the application.

14. Service Manager (Strategy and Partnerships)

- 14.1 To determine applications for Extra Support Grant (within the approved Budget) from Tenants and Residents Associations, following consideration of bids by a joint Officer/KFTRA Panel.

15. Improvement Officers

- 15.1 The service of Notices relating to Powers of Entry to any premises for the purposes of survey and examination

16. Head of Design and Property Service/Estates Manager

- 16.1 To carry out in respect of all functions of the Council and the Cabinet all negotiations for the acquisition or disposal of land and property.
- 16.2 To settle statutory compensation and authorise payments under the Landlord and Tenant Act 1954.
- 16.3 To settle claims for compensation and authorise payments in respect of Agricultural Holdings.
- 16.4 To deal with and authorise the payment of claims for compensation under Section 278 of the Public Health Act 1936 (Compensation to Individual for Damage resulting from exercise of powers under Act)
- 16.5 To settle claims for compensation under the Land Compensation Act 1973, following consultation with the appropriate Head of Service and Head of Resources.
- 16.6 To settle minor compensation claims up to a limit of £1,000.
- 16.7 Approval of payment of compensation for the removal of garages.

- 16.8 To sign and serve all Notices to Quit and all Notices under the Landlord and Tenant Act 1954 and Agricultural Holdings Acts in respect of all properties.
- 16.9 To approve applications for the assignment of leases not exceeding 150 years where there is no change of use, subject to the receipt of satisfactory references.
- 16.10 (i) Functions relating to the submission of planning applications pursuant to Regulations 3 and 4 of the Town and Country Planning General Regulations 1992 for all classes of development subject to all such applications being reported to the next meeting of the Cabinet.
- (ii) The delegation (i) above being subject to:-
- (a) Ward Members being consulted prior to the submission of any planning application and the application only being submitted in the event of no adverse comments being received within seven days from official consultation and that, in the event of adverse comments being received, the matter be submitted to the Cabinet for consideration;
- (b) Consultation being undertaken with the Head of Planning Services prior to the submission and the proposed use being in accordance with the Unitary Development Plan.
- 16.11 Implementation of energy policies.
- 16.12 Landlord and Tenant Matters.
- (a) To conclude terms for the letting of all commercial or surplus land and property for periods not exceeding 60 years and to authorise the completion of licences, tenancies, leases, lease renewals and to sign and require standard forms of agreements in respect of licences and tenancies excepting the tenancies of Council dwellings.
- (b) To conclude rent reviews contained in Leases invoking the enabling powers or arbitration as necessary and to authorise any necessary endorsements to be made on the Lease.
- (c) To approve changes of use or extension to user clauses within tenancies or Leases where, in the opinion of the Head of Design and Property Service, such amendment is not likely to be prejudicial to the interests of the Council or its other tenants.
- (d) To conclude the surrender of tenancies or Leases in circumstances where -
- (i) The tenant wishes to take the tenancy of Lease of alternative Council owned accommodation, or

- (ii) The prolongation of the contract will cause financial hardship to the tenant potentially resulting in financial loss to the Council, or
- (iii) The tenant agrees to reimburse the Council against losses incurred in both marketing and premises and interim rent until the new Lease is concluded, or
- (iv) The premises are unlikely to be easily re-let and a commuted lump sum has been negotiated and implement the preparation of appropriate documentation.
- (v) Where it is in the Council's wider interest.
- (e) To authorise formal Deeds of Apportionment of ground rents of leasehold properties.
- (f) To take the necessary action to recover rent or other monies due to the Council under the provisions of tenancies or leases including the power of distraint, forfeiture and suing on the personal covenant.
- (g) To negotiate and in collaboration with the Director of Finance conclude disturbance payments to tenants up to a value of £3,000.
- (h) To conclude leases for periods not exceeding 60 years in respect of sites/easements required by the providers of mains services (i.e. water, gas, electricity) for the installation of their apparatus.
- (i) To conclude negotiations for and authorise amendments or variations to covenants in tenancies or leases insofar as they are not prejudicial to other policies or objectives of the Council or the interest of the other tenants.

16.13 Disposal of Land and Property by Private Treaty

- (a) To include terms and instruct the Solicitor to the Council concerning disposals in respect of the following, and subject to consultation with the consultees indicated:-

Consultees

Housing Associations

Local Members/Planning Services

Industrial Land:

(a) Industrial Estate

Head of Economic Development Services

(b) Miscellaneous

Head of Economic Development Services

Local Members

Sitting Tenants) Local Members/Head of Planning
Adjoining Owners) Services
Surplus Land and Property)

In the case of surplus land and property being sold other than by way of formal tender, an estimate will be officially recorded by the Head of Design and Property Service. Subsequent offers are only to be accepted if they exceed the estimate or are not more than 10% below it. This accords with the arrangements under the formal tender procedure.

- (b) To conclude negotiations for and authorise the disposal of the Council's freehold reversionary interests in (i) properties affected by the Leasehold Reform Act 1968, (ii) other properties held on leases of at least 999 years which are located outside of the Huddersfield Ring Road and where such disposals are not prejudicial to the long term interests of the Council, and (iii) other properties within the Huddersfield Town Centre where the terms reflect a significant proportion of the difference in the investment values of long leasehold and freehold properties (subject to 5.17 below).
- (c) To conclude negotiations for the grant of easements and other wayleaves and to authorise the completion of the necessary documentation (subject to 5.17 below)
- (d) To conclude negotiations for and authorise amendments or variations to covenants contained in conveyances insofar as they are not prejudicial to other policies or objectives of the Council (subject to 5.17 below)

16.14 Disposal in conjunction with Adjoining Owners

To conclude arrangements for the apportionment of sale proceeds, subject to prior consultation with Local Members and Planning Services.

16.15 Leases to the Council

To conclude terms and instruct the Solicitor to the Council in respect of leases to the Council for a maximum term of 3 years or the renewal of existing leases for a term not exceeding 3 years and the rent reviews incorporated within such leases, subject to appropriate consultations with the Director of Finance appropriate Head of Resources and appropriate Head of Service.

16.16 Acquisitions

To conclude terms and instruct the Solicitor to the Council concerning acquisitions made for the purposes of derelict land grant and advance purchases of declared schemes up to a maximum of £25,000, subject to appropriate consultation with Ward Members/Planning Services and the relevant Head of Resources/Head of Service.

16.17 Provisions

The authority granted in 5.13(b)(ii) and (iii), (c) and (d) above to be subject to the following:-

- (a) Ward Members being consulted prior to the disposal of any land/property or the grant of any easements, or the amendment to covenants contained in existing leases or conveyances and that in the event of adverse comments being received the matter be submitted to the Cabinet for consideration.
- (b) Schedules of all transactions carried out being submitted on a regular basis to the Cabinet for information.

16.18 To initiate procedures laid down under Section 123 of the Local Government Act 1972 subject to:-

- (a) there being no objections from local Ward Members;
- (b) a report on action taken being submitted to the Cabinet (i) for noting where no public objection is received and (ii) for determination where public objections have been received.

REGENERATION MATTERS

Planning Matters

The following powers and functions are delegated to the Officers indicated below from Planning and Highways Committee or Cabinet.

1. The Head of Planning Services and the Group Managers

- 1.1 Authorising prosecution in planning matters including controls for hazardous substances.
- 1.2 Authorising the appropriate officers with regard to powers of the entry under relevant legislation in individual cases.
- 1.3 Authorising appropriate officers with regard to powers of entry under the terms of the Hedgerow Regulations 1997 enacted through the Environment Act 1995.
- 1.4 Authorised to submit applications for grant etc., to assist the proper planning of the area or the conservation of any historic feature, to Central Government, the European Community and any other external sources.
- 1.5 Authorised to approve, following consideration by appropriate Appraisal Panels, applications for financial assistance under the following schemes from the Council's own resources or in partnership with another funder e.g. English Heritage:-

- (i) Grants or loans for the repair of listed buildings or historic buildings within a Conservation Area.
- (ii) Grants or loans for the improvement of listed buildings or historic buildings within a Conservation Area.
- (iii) Grants or loans to a building which has been agreed as a Targeted Building at Risk.
- (iv) Any other grant or loan scheme established by or in partnership with the Council and administered by the Planning Service.

1.6 In consultation with the Director of Finance, and the Solicitor to the Council or a Solicitor nominated by the Solicitor to the Council, to authorise appropriate recovery action where the recipient of any financial assistance referred to in 1.5 above is in breach of any terms or condition of that assistance.

2. The Head of Planning Services, the Group Managers and the Development Control Team Leaders

- 2.1 applications for the extension, alteration, change of use of improvement to any existing premises.
- 2.2 applications for sites of 0.5 hectares or less where the decision is in accordance with the Unitary Development Plan except in the case of applications for retail development in excess of 500 sq. metres gross floor area which it is proposed to approve.
- 2.3 applications for approval of details and reserved matters and of matters where specific approval is required by conditions.
- 2.4 application for detailed approval of works.
 - (a) in connection with a programmed improvement or regeneration scheme.
 - (b) in any scheme of conservation area enhancement where the Cabinet has given general approval to a scheme after a period of public consultation.
 - (c) when the proposal relates to an application for householder development which has been submitted by or on behalf of the Council.
- 2.5 applications for the display of advertisements.
- 2.6 applications for minor alterations to existing permissions, e.g. for amendment to design or materials of buildings.

- 2.7 applications for listed building or conservation area consent which
- (a) relate to alterations to buildings or structures and which would not constitute development or would be permitted development or deemed consent were the building not listed or within a conservation area;
 - (b) relate to development which is delegated to officers for determination.
- 2.8 applications for planning permission for the disposal of solid waste up to and including 50,000m³ of wastes other than special hazardous wastes.
- 2.9 applications for renewals of planning permission relating to landfill and minerals extraction sites.
- 2.10 applications for Minerals or Waste Disposal development as follows:-
- (a) minor amendments provided for in conditions;
 - (b) the approval of schemes submitted as required by conditions to permissions for minerals extraction or ancillary development or waste landfill and waste facilities;
 - (c) Section 73 and 73A (Town and Country Planning Act 1990) applications for minerals extraction or ancillary development or waste landfill or waste storage transfer and treatment facilities, and scrapyards and car dismantling uses.
- 2.11 applications for approval of development ancillary to mining operations as required by parts 19, 20, 21 and 22 of the Town and Country Planning (General Permitted Development Order) 1995.
- 2.12 applications to modify deemed hazardous substances consents.
- 2.13 requests by Government Departments or Statutory Undertakers or Bodies for the views of the Planning Authority in respect of their own proposed development in any of the above categories.
- 2.14 the making of recommendations to the Peak Park Planning Authority or other neighbouring planning authorities on applications in categories 2.1 to 2.13.
- 2.15 in addition to the officers mentioned at the beginning of this section, Senior Planning Officers in Development Control are authorised to determine planning applications within the curtilage of a dwellinghouse which are not a change of use and do not involve the creation of a new dwelling, and applications submitted under the Control of Advertisement Regulations.

All categories 2.1 to 2.15 above are also subject to the exceptions that:-

Planning Applications go to the appropriate Committee or Sub-Committee:-

- (i) If applications are to be refused on the grounds of requirement for Council purposes.
- (ii) If the Delegated Officer so decides after receiving comments, contrary to his/her intended decision on the application, from a Member of the Area Planning Sub-Committee (with the agreement of the Chair of that Sub-Committee) or from a significant volume of local opinion (other than the immediate neighbours)
- (iii) If a Parish Council has submitted views contrary to the appropriate officers recommendation and the proposal does not relate to:-
 - (a) development within the curtilage of a dwellinghouse which is not a change of use and does not involve the creation of a new dwelling;
 - (b) applications submitted under the Control of Advertisement Regulations.

Where contrary views have been expressed, the Parish Council should give their reasons as to why the application should be determined by the Area Planning Sub-Committee, if the application has been delegated to officers for decision.

- (iv) Where any Ward Member so requests, any planning application within their Ward will be brought before the appropriate Committee or Sub-Committee. The Member shall specify his/her reasons for requesting that the application goes before the Committee. The Committee report will contain a statement as to who had requested the application and the reasons why.

2.16 All matters relating to the notification procedure under the provisions of the Town and Country Planning General Permitted Development Order 1995, as subsequently amended or replaced, and subsequent consideration of any details requested subject to the following exceptions:-

- (a) If approval of the details of siting and design is to be withheld because the site is required for Council purposes.
- (b) If the delegated officer so decides after receiving comments contrary to his/her intended decisions on the proposal, from a Member of the Area Planning Sub-Committee (with the agreement of the Chair of that Sub-Committee) or from a significant volume of local opinion (other than immediate neighbours).

In addition to the officers mentioned at the beginning of this section, Senior Planning Officers in Development Control are authorised to determine notifications submitted under these terms.

- 2.17 Applications as to the need for consent/permission under planning and/or related legislation.
- 2.18 The removal of unauthorised advertisements and to authorise entry onto land for that purpose
- 2.19 Serving of Notices requiring submission of details on outline applications.
- 2.20 The need for, and content of, environmental statements in relation to Environmental Impact Assessments.
- 2.21 The taking of Enforcement Action under the Town and Country Planning Acts, including the service of Enforcement Notices, where unauthorised development has taken place. Ward Members should be consulted and their wishes taken into account before formal Enforcement proceedings are commenced. (The Council will require enforcement action to be taken at the earliest practicable opportunity).
- 2.22 The exercise of powers of the Council relating to the service of stop notices in cases of urgency.
- 2.23 The serving of Discontinuance Notices.
- 2.24 Deemed Consents for Hazardous Substances.
- 2.25 Planning Contravention Notices and Certificates of Lawfulness of Proposed Use or Development and Existing Use or Development.
- 2.26 To deal with the Registration of Old Mining Permissions.
- 2.27 To decline to determine planning applications in accordance with Section 70(a) of the Town and Country Planning Act 1990.

3. The Head of Planning Services, the Group Managers and the Principal Planning Officer (Environment, Trees, Countryside, Recreation)

- 3.1 Applications to top, lop or fell trees the subject of Tree Preservation Orders and notices to do work to trees in Conservation Areas subject to first informing the relevant Ward Members of the situation.
- 3.2 The making of Tree Preservation Orders, where these are to replace existing Tree Preservation Orders containing areas.
- 3.3 To seek the protection of hedgerows under the provisions of the Environment Act 1995.
- 3.4 In particular authorised to:-
 - (i) Issue Hedgerow Retention Notices

- (ii) Enforce the replanting of any hedge required under the terms of the Hedgerows Regulations 1997

- 3.5 Making Tree Preservation Orders in case of urgency and revoking, modifying or amending any existing Tree Preservation Order.
- 3.6 The taking of enforcement action, including the service of enforcement notices where work has taken place in contravention of any decision taken on any protected tree.
- 3.7 Action under Section 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 relating to dangerous trees on private land.

4. The Head of Planning Services, the Group Managers, Area Planning Officers and other Principal Planning Officers

- 4.1 Obtaining information on the ownership of land/premises under Section 330 of the Town and Country Planning Act, 1990.
- 4.2 Action under Section 79 of the Buildings Act, 1984 with regard to ruinous or dilapidated buildings.
- 4.3 Action under Section 215 of the Town and Country Planning Act 1990 with regard to land adversely affecting the amenity of the Neighbourhood.
- 4.4 Obtaining information from the DVLA and the District Land Registry.
- 4.5 To make agreements to regulate the development and use of land under Section 106 of the Town and Country Planning Act 1990 and other enabling powers.

5. The Head of Planning Services, the Group Managers and the Principal Planning Officer (Conservation and Design)

- 5.1 Serving Building Preservation Notices (under Section 3 of the Planning (Listed Buildings & Conservation Areas) Act 1990) in cases of urgency and Urgent Works Notices (under Section 54 & 76 *ibid*) (requiring work to preserve listed buildings or, subject to authorisation by the Secretary of State, of any unlisted building in a Conservation Area) and the recovery where possible of any costs incurred by the Council (Section 55 *ibid*).
- 5.2 Making representations to the appropriate Government Department concerning the listing of historic buildings subject to prior discussion between the Head of Planning Services and the Group Managers.
- 5.3 The taking of action in default as a consequence of any Urgent Works Notice.

- 5.4 The serving of Notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where the Council has agreed to action under Section 47 of that Act.

Economic Development Matters

6. The Head of Economic Development Services or his Nominee

- 6.1 To submit applications for grant and proposals to deliver contracts to provide services on behalf of the Council, partners and other agencies etc. for the future development of areas, or for any other project within the aegis of the Regeneration portfolio, to Central Government and its agencies, the European Union and any other external sources.
- 6.2 To accept, on behalf of the Council, offers of grant aid, contracts for the delivery of services including relevant terms and conditions, the submission of which is authorised by 6.1.
- 6.3 To deliver those bids or to sub-contract approved bids to an appropriate agency for delivery, and to transfer responsibility for the delivery of any successful bids, by way of novation or otherwise.
- 6.4 To approve on behalf of the Council and following consideration by appraisal and Advisory Panels, if appropriate, applications and proposals for funding and financial assistance (i.e. grants, loans to individuals, business and other agencies etc.) and to finalise such funding agreements, sub-contracts etc. as are appropriate.
- 6.5 To sign licences in connection with Business and Enterprise Centres operated by the Service
- 6.6 In consultation with the Director of Finance and the Solicitor to the Council, to authorise appropriate recovery action where the recipient of any financial assistance is in breach of any terms or conditions of that assistance.

2. The Solicitor to the Council

- 2.1 To prepare and execute leases in connection with lettings at the Council's Enterprise Centres.

Building Control Matters

1. The Head of Building Control, Licensing and Markets

- 1.1 Determine applications and approve works under the Building Regulations.
- 1.2 Determine applications for relaxation, waiver or dispensation of Building Regulation requirements.
- 1.3 The giving of notice of lapse of deposit of plans under the Building Regulations.

- 1.4 Serve notices requiring the exposure of works for inspection, or the alteration of works.
- 1.5 Improve conditions as to the carrying out of demolition works.
- 1.6 Determine the numbering and re-numbering of houses.
- 1.7 Determine the naming and re-naming of streets in consultation with Ward representatives, referring the matters to Cabinet in cases of dispute.
- 1.8 To exercise the powers of the Council to make formal objection to any proposed name for a street.
- 1.9 The erection and maintenance of street name plates and other signs.
- 1.10 Serve notices under Section 262 of the Public Health Act 1936.
- 1.11 Approve the reject plans under Section 263 of the Public Health Act 1936.
- 1.12 Establish and maintain a public register of raised reservoirs and agreement on responsibility for cross boundary reservoirs under Section 2 of the Reservoirs Act 1975.
- 1.13 Submit reports to the Secretary of State by Council as enforcement Authority under Section 3 of the Reservoirs Act 1975.
- 1.14 To authorise emergency action to avert the escape of water from an unsafe reservoir and to appoint a qualified civil engineer under Section 16 of the Reservoirs Act 1975.
- 1.15 Serve notices requiring information under Section 12 of the Mines and Quarries (Tips) Act 1969.
- 1.16 Authorise remedial works under Section 17 of the Mines and Quarries (Tips) Act 1969.
- 1.17 Recover costs of remedial works under Section 23 of the Mines and Quarries (Tips) Act 1969.
- 1.18 Submit applications for grant towards the costs of remedial works under Section 25 of the Mines and Quarries (Tips) Act 1969.
- 1.19 To exercise the powers of the Council in respect of unfenced dangers adjoining streets (Sect. 165, Highways Act 1980)
- 1.20 Section 16 (Local Government Miscellaneous Provisions Act 1976) Powers to obtain particulars of persons interested in land.
- 1.21 Authorise prosecution in matters relating to building control.

- 1.22 Seek Court Orders under Section 77 of the Building Act 1984 for the carrying out of remedial works on dangerous structures.
- 1.23 To determine applications for new, variations and renewal of a Permit under Section 34(5) (e) of the Gaming Act 1968. (The Playing of Gaming Machines within Premises).
- 1.24 To determine applications for new, variations and the renewal of a Permit under Section 16 of the Lotteries and Amusements Act 1976. (The Playing of Bingo within Premises).
- 1.25 To determine applications for new, variations and the renewal of Street Trading Consent Licences (where there are no objections).
- 1.26 To determine applications for the renewal of Sex Shop Licences where there are no objections

(recommended by Licensing and Safety Committee on 24 May 2004).

2. The Head of Building Control, Licensing and Markets, Divisional, Senior, Building and Assistant Building Surveyor

- 2.1 Exercise the powers and duties of the Council relating to the authorisation of emergency works to dangerous buildings (Section 78 Building Act, 1984).

3. The Head of Building Control, Licensing and Markets, Divisional and Senior Building Surveyors

- 3.1 Gain power to entry onto land under Section 17 of the Reservoirs Act 1975 and Section 13 and 18 of the Mines and Quarries (Tips) Act 1969.
- 3.2 Authorise emergency action under Section 17 of the Mines and Quarries (Tips) Act 1969.

Licensing and Safety Matters

Delegated from Licensing and Safety Committee

1. Head of Building Control, Licensing and Markets, Environmental Services Manager, Director of Housing and Chief Building Surveyor

- 1.1 To authorise appropriate officers to deal with the provisions of Section 13 of the Cinemas Act 1985.
- 1.2 To authorise appropriate officers to deal with the provisions of Paragraph 14 of Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982.

2. The Head of Building Control, Licensing and Markets following consultation with the Solicitor to the Council

2.1 Safety of Sports Grounds Act.

- (a) The authorisation of applications under Section 7 of the Act to Magistrates Court for a safety condition to operate pending an appeal against that condition to the Secretary of State (in consultation with the Chair of Licensing and Safety Committee)
- (b) The authorisation of applications under Section 10 of the Act to a Magistrates Court for an Order to limit or prohibit spectators at a sports ground (in consultation with the Chair of Licensing and Safety Committee)
- (c) The authorisation of appeals under Section 10 of the Act to the Crown Court against the refusal of the Magistrates Court to make an Order under Section 10(1) or a decision by a Magistrates Court cancelling or modifying an Order made under an application under Section 10(1) (in consultation with the Chair of Licensing and Safety Committee)
- (d) To deal with an appeal to a Magistrates Court against a notice served under Section 10 of the Safety of Sports Grounds Act (as amended by the Fire Safety and Safety of Places of Sports Act).
- (e) To appeal, if necessary, to a Crown Court against any decision made by a Magistrates Court, Cancelling, annulling, amending or modifying a notice served under Section 10 of the Safety of Sports Act (as amended by Section 24 of the Fire Safety and Safety of Places of Sports Act).
- (f) To appeal to a Crown Court against any order made by the Magistrates Court on appeal made under Section 5 of the Safety of Sports Ground Act (as amended by Section 22 Fire Safety and Safety of Places of Sports Act)
- (g) To institute proceedings in the Magistrates Court for offences under the Act.
- (h) Authorised to serve, amend or withdraw Prohibition Notices under Section 10 of the Safety of Sports Grounds Act 1975 (as amended by Section 23 of the Fire Safety and Safety of Places of Sports Act 1987) (The Chair of the Licensing and Safety Committee to be notified of such action as soon as practicable)
- (i) To determine, that an applicant for a safety certificate is a qualified person within the provisions of Sections 2 and 3 of the Act.

- (j) Authorised to serve notices of a decision under the provisions of Section 5 of the Act following determination by the Licensing and Safety Committee that an applicant is not a qualified person.
- (k) Authorised to issue, amend, replace and transfer safety certificates.
- (l) The cancellation of a safety certificate on the death of the holder or the dissolution of the corporate body.

2.2 Fire Safety and Safety of Places of Sports Act 1987.

- (i) Authorised to issue, amend or replace Safety Certificates for Regulated Stands under Sections 26 and 27.
- (ii) To inform the qualified person of the determination as to whether a Stand is a Regulated Stand under Section 28.

3. Head of Building Control, Licensing and Markets

3.1 To authorise officers to inspect and test Hackney Carriages and Private Hire Vehicles under Part II of the Local Government (Miscellaneous Provisions) Act 1976.

3.2 To deal with certain aspects of licensing as indicated below.

- (a) House to house collections - Approvals
- (b) Street collections.
- (c) Vehicles, drivers and operators in respect of Hackney Carriage and Private Hire Vehicles - Approvals and refusals in accordance with the criteria laid down by the Council.
- (d) Theatre and stage plays - Approvals.
- (e) Theatrical employers - Approvals.
- (f) Registration of societies for lotteries purposes - Approvals.
- (g) Late night refreshment houses - Renewals.
- (h) Game Licences.
- (i) Scrap Metal - Registration.
- (j) Cinematograph - Renewals
- (k) To determine applications for Minibus Permits

- (l) Local Government (Miscellaneous Provisions) Act 1982 - Licensing of Public Entertainments.
 - (i) To deal with an application for an entertainments licence notwithstanding the fact that the applicant has failed to give the requisite notice.
 - (ii) To confirm a provisional entertainments licence as a full licence when agreed works have been completed.
 - (iii) Authorised to cancel an entertainments licence at the written request of the holder.
 - (m) Authorised to deal with matters and nominate such appropriate officers in writing to deal with matters in respect of Paragraph 25 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
 - (n) To grant or refuse certificates as to the suitability of premises for music and dancing.
 - (o) To grant extensions of licensed hours in such cases, if considered that a Justices Licence to sell intoxicating liquor would have been granted had such application been made, subject to any such extensions not exceeding beyond midnight on Saturday nights or 1.00 a.m. on other days of the week.
- 3.3 To grant, renew or transfer entertainments licences in cases of urgency, subject to such action being reported for information to the next meeting of the Licensing and Safety Committee.
 - 3.4 To authorise prosecutions in matters dealt with by the Licensing and Safety Committee (in consultation with the Chair of that Committee)
 - 3.5 To impose and remove "Stop Notices" in respect of any film (in consultation with the Chair of the Licensing and Safety Committee).
 - 3.6 Authorised to view films and determine whether or not they may be shown and the form in which they may be show (in consultation with the Chair of the Licensing and Safety Committee).
 - 3.7 Authorised to suspend licences issued under the Town Police Clauses Act 1984 and the Local Government (Miscellaneous Provisions) Act 1976, to drive Hackney Carriages and Private Hire Vehicles (in consultation with the Chair of the Licensing and Safety Committee)
 - 3.8 To certify true copies of the regulations relating to the licensing of public entertainments in accordance with Paragraph 11(5) of Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982.

- 3.9 In consultation with the Markets Manager, to receive Notices and discuss proposed temporary markets with the organisers thereof in accordance with Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.10 In consultation with the Markets Manager, to authorise the issue of licences in respect of flea markets, antique fairs and events of a similar character subject to payment of the fee specified by the Council from time to time.
- 3.11 In consultation with the Markets Manager, to authorise the issue of Charity Market Licences.
- 3.12 Authorised, following consultation with the Chair of the Licensing and Safety Committee, to commence proceedings in the Magistrates Court for any contravention or offences set out in Paragraph 10 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, in relation to street trading, and authorised to issue consents.
- 3.13 To authorise appropriate Officers to be nominated for the purpose of liaising with Police for vetting of applications to drive hackney carriage and private hire vehicles under the Road Traffic Act 1991.
- 3.14 To revoke an Entertainments Licence or refuse to renew or transfer a licence following consideration of a report from the Chief Officer of Police that there is a serious problem relating to the supply or use of controlled drugs at the premises with the benefit of the Licence, or at any place nearby which is controlled by the holder of the Licence; or
- 3.15 Instead of revoking the Licence, to have delegated powers to attach appropriate conditions to the Licence if satisfied that, to do so, would significantly assist in dealing with the problem.
- 3.16 Authorised to vary the standard fee scales of the Local Government Association model scheme by + or - 10% and to amend procedural details of the scheme where necessary, in consultation with the Head of Resources.
- 3.17 Authorised to vary the standard fee scales of the Local Government Association model scheme by a percentage greater than + or - 10%, in consultation with the Head of Resources.
- 3.18 Authorised to approve the registration of individuals as Door Persons.
- 3.19 Authorised to refuse the registration of an individual as a Door Person and authority to cancel an individual's registration.

4. Head of Building Control, Licensing and Markets or Markets Manager

- 4.1 Management of markets, slaughterhouses and cold stores and the issue of licences for the sale of marketable articles.

4.2 To approve all assignments relating to the shops and stalls in the Huddersfield, Cleckheaton and Dewsbury Market Halls and Dewsbury Open Market, all applications for change of or an extension to the user clause and new lettings.

5. The Solicitor to the Council or a Solicitor nominated by the Solicitor to the Council following consultation with the Head of Building Control, Licensing and Markets

5.1 To serve notice on reservoir owners requiring appointment of qualified civil engineer or execution of safety works under Sections 8, 9, 10, 12 and 14 of the Reservoirs Act 1975.

5.2 Serve emergency notices under Section 16 of the Reservoirs Act 1975.

5.3 Serve notices requiring remedial works to prevent danger under Section 14 of the Mines and Quarries (Tips) Act 1969.

5.4 Deal with appeals, cancel notices and deal with applications for costs under Section 15, 16 and 24 of the Mines and Quarries (Tips) Act 1969.

5.5 Serve notices preparatory to the Council undertaking remedial works under Section 17 of the Mines and Quarries (Tips) Act 1969.

6. The Director of Finance, and the Solicitor to the Council or a Solicitor nominated by the Solicitor to the Council

6.1 In consultation with the Head of Planning Services/Head of Economic Development Services to take appropriate recovery action where the recipient of any financial assistance is in breach of any term or condition of that assistance.

FINANCE AND LEGAL MATTERS

Delegated from the Cabinet.

1. The Solicitor to the Council

1.1 To serve notices in connection with the duties of conducting land transactions;

1.2 To take steps to obtain vacant possession of land held by the Council and occupied by caravans and vehicles etc. of trespassers and gypsies.

1.3 After consultation with the Head of Design and Property Service to take all necessary legal proceedings to obtain possession of any land or premises owned, leased or occupied by the Council (for any function) which are occupied without the consent of the Council.

1.4 To initiate proceedings for forfeiture and recovery of possession of premises where tenants are a quarter in arrears with their rent.

- 1.5 Completion of the necessary legal documentation in order to give effect to decisions delegated to the Head of Design and Property Service in Section 5 below and to affix the Common Seal of the Council to such documentation as required.

2. Head of Revenues and Benefits

2.1 Revenues

- 2.1.1 To act on behalf of the Council on all matters relating to the Council Tax and National Non-Domestic Rates including assessments, determinations, recovery and enforcement, and bankruptcy in accordance with:-

- The Local Government Finance Act 1992
- The Council Tax (Administration and Enforcement) Regulations 1992

2.2 Benefits

- 2.2.1 To act on behalf of the Council on all matters relating to the determination of Benefit Entitlement including classification and verification of overpayments, rent restrictions, backdating provisions, appeals, decisions made under the Discretionary Housing Payments scheme, prosecutions, and "write-offs" of overpaid benefit (as detailed in the Authority's Financial Procedure Rules), in accordance with:

- Social Security Administration Act 1992
- Social Security Contributions and Benefits Act 1992
- Social Security Act 1998
- Housing Benefit (General) Regulations 1987
- Council Tax Benefit (General) Regulations 1992
- Social Security Administration (Fraud) Act 1997
- Child Support, Pensions and Social Security Act 2000
- The Housing Benefit and Council Tax Benefit (Decisions and Appeals Regulations 2001)
- The Discretionary Financial Assistance Regulations (2001)

and any associated Legislation and statutory modifications to the above.

3. Director of Finance

- 3.1 Insurance on a reinstatement basis of all corporate buildings subject to an annual report of the action taken thereon being submitted to the Cabinet.
- 3.2 Management of the Council's loan debt, investments and finance by leasing arrangements.
- 3.3 To make payments of honoraria approved in accordance with 7.3 below.
- 3.4 To deal with claims for ex-gratia payments not exceeding £20.

4. All Heads of Service

- 4.1 To serve Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, with regard to the ownership of land for the purposes of the Council's functions.
- 4.2 To apply for planning permission under the provisions of Regulations 4.1 and 5.2 of the Town and Country Planning (General) Regulations 1976 for any scheme in the Capital Plan.
- 4.3 Operational aspects of the Local Conditions of Service as determined by the Council.

5. Management of the Capital Plan

Delegated from Cabinet

All Directors

Directors, in consultation with the appropriate Cabinet Member, are authorised to approve virement within a programme area subject to:-

- (i) spending on the whole programme being contained within the resources allocated;
- (ii) the amount of interest into or from any other project being less than the tolerance levels set out in Financial Procedure Rule 3.20, or £25,000 whichever is the larger; and
- (iii) Directors being required to report quarterly to the Cabinet on virement they approve.

All Heads of Service

Heads of Service responsible for managing programme areas are authorised to bring forward or defer projects from the agreed programme to assist in the overall management of that programme.

MISCELLANEOUS MATTERS

Delegated from Cabinet or Council as appropriate.

1. Chief Executive

- 1.1 Appointment of Deputy Returning Officers for District and Parish Council elections.

2. The Solicitor to the Council

- 2.1 To authorise Officers to appear in Court on behalf of the Authority under Section 223(1) of the Local Government Act 1972.
- 2.2 To determine requests from other Local Authorities for contributions towards legal costs in connection with litigation.
- 2.3 Power to apply for any Anti-Social Behaviour Orders following reference by any Director or Head of Service.
- 2.4 Power to issue licences for use of the Kirklees Badge, to respond to requests for use of the Kirklees Arms and those of constituent former Councils and, in consultation with the Chair of the Council Business Committee, to give appropriate consents and approvals.

3. The Director of Finance or the Solicitor to the Council

- 3.1 All matters specifically delegated to the Director of Finance or the Solicitor to the Council in Article 14 of the Constitution, the Contract Procedure Rules, the Financial Procedure Rules or any other procedure rules or codes of practice adopted by the Council or the Cabinet.

4. Head of Human Resources

- 4.1 To act as the Proper Officer under Section 2 of the Local Government and Housing Act 1989.

5. Head of Culture and Leisure

- 5.1 Responsibility for all historic civic insignia not specifically referred to within the terms of reference of the Council Business Committee.

6. The Chief Executive, the Solicitor to the Council and the Head of Democratic Support Service

Proper Officer appointments under statutes or subordinate legislation.

- 6.1 Concerning Political Groups in the Local Government (Committees and Political Groups) Regulations 1990 - The Chief Executive
- 6.2 Concerning Committees in the Regulations mentioned at 6.1 - the Head of Democratic Support Service
- 6.3 Other Officer appointments - as already appointed or as appointed by the Chief Executive and/or a Deputy Chief Executive in consultation with the Solicitor to the Council.

7. Head of Community Support Services

7.1 To approve, in consultation with the Cabinet Member, applications for Grant Aid under the Community Chest Scheme.

8. Registrar

8.1 Determination of applications for approval of buildings for the purpose of marriages under the Marriage (Approved Premises) Regulations 1994.

9. Kirklees Access Grants Panel

9.1 To determine grant applications of up to £5,000 per project in respect of the Buildings are for People grant aid budget.

10. Head of Democratic Support Service

10.1 In consultation with the Leader to determine Member attendance at conferences etc. in those cases where it is not possible for approval to be sought from the Cabinet or the appropriate Committee due to the time limits for booking arrangements; the Cabinet or the appropriate Committee to be notified of any action under this delegation.

10.2 To determine, in consultation with Group Business Managers, nominations to outside bodies where, in his opinion, time or other circumstances do not permit consideration by the Council or the Council Business Committee, such nominations to be reported to the Council Business Committee for information.

11. The Head of Customer Relations

11.1 The Head of Customer Relations is hereby authorised:-

To determine bids up to £2,000 from the Kirklees Open Door Award (Reception Accreditation Scheme) Capital Budget

Social Services Matters

The Director of Social Affairs and Health is the statutory Director of Social Services for the purposes of the Council's Social Services functions and has delegated authority as follows:-

1. In Consultation with the Cabinet Member for Social Services:

1.1 To award ex-gratia payments of over £1,000.

1.2 To determine the level of financial allowances for looked after children and young people.

- 1.3 To authorise, in accordance with agreed criteria, repayable or non-repayable loans towards the cost of adaptations to homes of disabled people.
2. To Exercise Delegated Powers in the Following Areas:
 - 2.1 General
 - 2.1.1 To make all appointments to posts in the Service, in accordance with the approved establishment.
 - 2.1.2 To exercise day to day control of and have responsibility for the operational management and efficiency of the Service.
 - 2.1.3 To manage the accommodation, premises and other assets held or used for the purposes of the Service.
 - 2.1.4 To assess and determine contributions required for services, accommodation and the use of facilities, to reduce or waive such contributions and to institute and conduct proceedings to recover such areas of contributions. In relation to securing the proceeds from the sale of property to recover unpaid debts the authorised nominee of the Council to take out a Grant of Representation is the Group Finance Manager or in her/his absence the Assistant Director, Performance and Strategic Development.
 - 2.1.5 To award Development Grants to a maximum of £3,000 to Voluntary Organisations and other Not For Profit Organisations in accordance with the agreed criteria. Current Maximum is £3,000.
 - 2.1.6 To authorise the donation of items of equipment to charitable organisations when these items are no longer of use to the Service.
 - 2.1.7 To award ex-gratia payments of up to £1,000.
 - 2.1.8 To appoint Proper Officers under Section 47 of the National Assistance Act 1948 and Amending Legislation.
 - 2.1.9 To authorise legal proceedings in all matters relating to Social Affairs and Health functions (including the care and protection of children and adults).
 - 2.1.10 To authorise prosecutions in all matters relating to Social Affairs and Health functions (including the care and protection of children and adults).
- N.B. 2.1.9 and 2.1.10 are intended to cover every event where legal action needs to be instigated.

2.2 Children and Young People

- 2.2.1 To place children in the care of the Council in suitable accommodation and to authorise the payment of appropriate allowances (in accordance with approved procedures and scales) to foster parents of children, prospective adopters and persons undertaking the long term care or respite care of children.
- 2.2.2 To make arrangements with or contributions to other Authorities or Voluntary Organisations providing such accommodation or premises in accordance with Council or Cabinet policy as appropriate.
- 2.2.3 To supervise and review children in the care of the Council including the giving of any necessary consent.
- 2.2.4 To ascertain the suitability of foster parents and their premises. To impose requirements or prohibitions on foster parents and their accommodation, including the authorisation of conditional grants to a maximum of £5,000 to foster parents in order to provide suitable accommodation standards for foster children.
- 2.2.5 To make grants/or loans to children and their families.

2.3 Adults

- 2.3.1 To administer arrangements for the care of older people, people with physical disabilities, people with learning disabilities and people who are mentally ill.
- 2.3.2 To authorise the admission of persons to accommodation under the control of the Council for the purposes of Social Services and where appropriate to accommodation under the control of another Authority or voluntary organisation.
- 2.3.3 To make arrangements with or contributions to other Authorities or Voluntary Organisations providing such accommodation or premises in accordance with Council or Cabinet policy as appropriate.
- 2.3.4 To make arrangements for the temporary protection of the property of persons admitted to hospital or other accommodation.
- 2.3.5 To make application to act as receiver of property for persons who, by reasons of mental disorder, are incapable of managing their own affairs.
- 2.3.6 To make arrangements for the burial or cremation of persons dying in accommodation provided under Part III of the National Assistance Act, 1948 and to recover funeral expenses from the deceased estate.

3. Solicitor to the Council

- 3.1 Authorised to sign contracts for Training and Development Partnership with the Training Organisation for Personal Social Services.

The Head of Kirklees Early Years Service is authorised:-

1. In relation to the Children Act 1989, to inspect and register (a) childminding facilities (including playgroups) for children under eight and (b) day care facilities.
2. To make grants to organisations concerned with the provision of childcare up to a maximum of £500.
3. In any case involving the registration of persons or premises under the Children Act 1989, the Head of the Kirklees Early Years Service shall have power to refuse or cancel, where appropriate, on the understanding that there is a right of appeal in those instances to the Appeals Panel.

PERSONNEL MATTERS

(Delegated from:- Personnel Committee in respect of appointments and terms and conditions. Cabinet in respect of all other matters)

(Reference should be made to the Officer Employment and Procedure Rules Section for an explanation of definitions used and appointment/disciplinary procedures to be followed)

1. The establishment of new posts, the deletion or redesignation of existing posts which represent minor changes to the establishment (i.e. costing up to £100k) and are within the agreed Service Plan and Budget, are delegated to the relevant Head of Service/Assistant Director in consultation with the Head of Human Resources.
2. All other restructures or Service Reviews are subject to Cabinet approval following consultation with the Head of Human Resources.
3. The determination of grading of posts within the separate Service areas will be undertaken as follows:-
 - (a) The posts of Chief Executive, Deputy Chief Executive and Director are subject to approval by the Personnel Committee on recommendation of the Head of Human Resources.
 - (b) The grading of Heads of Service/Assistant Director posts will be delegated to the Chief Executive in consultation with the Chair of the Personnel Committee and the relevant Cabinet Member and the Head of Human Resources and on the advice of the HAY Grading Panel.
 - (c) Posts grading Principal Officer ranges 5 to 12 (or equivalent) will be delegated to the Head of Human Resources acting on advice from the Officer Grading Panel.
 - (d) Posts graded up to and including Principal Officer range 4 will be delegated to the appropriate Head of Service acting on advice from the Officer Grading Panel.

4. In cases of disagreement between the relevant Head of Service and/or the appropriate recognised Trade Unions and the Officer Grading Panel the matter will be referred to the established processes for managing such disputes, including Central Negotiating Team and thereafter Personnel Committee for final determination, if necessary.
5. The sanctioning of compulsory redundancies shall be as follows:

Chief Executive - approved by Council (upon recommendation of Personnel Committee)

Chief Officers - approved by Personnel Committee

All other posts - approved by Executive Management Group
6. All decisions regarding compulsory redundancies shall be made following advice of the Director of Finance and the Head of Human Resources.
7. The sanctioning of early retirement/voluntary severance or ill health retirement shall be as follows:-

Chief Executive - approved by Council upon recommendation by Personnel Committee

Chief Officers - approved by Personnel Committee

All other posts - approved by the relevant Director and subject to an Annual report to Personnel Committee
8. All decisions regarding early retirement or voluntary severance shall be made following advice of the Director of Finance and the Head of Human Resources.
9. All ill health retirements are subject to appropriate certification by the Council's Medical Advisers.
10. The implementation of nationally negotiated pay rates and terms and conditions of employment is delegated to the Head of Human Resources. Discretionary areas of national agreements are subject to determination by the Personnel Committee.
11. Local terms and conditions of employment shall be approved by the Personnel Committee.
12. With the exception of the following specific areas, the application of terms and conditions of employment shall be as set out in the Local Terms and Conditions Handbook.
 - (a) Discretionary Days Holiday - approved by Personnel Committee

- (b) Compromise Agreements, including financial terms of settlement of employment tribunal claims - approved by the Head of Service/Assistant Director in consultation with the Head of Human Resources and the Solicitor to the Council.
- 13. The Head of Service, in consultation with the Head of Human Resources, shall approve any honorarium payment to an employee arising out of the undertaking of additional duties and responsibilities not related directly and entirely to those of a higher graded post.
- 14. Any grievance raised by the Chief Executive shall be heard by a Panel appointed by the Personnel Committee.
- 15. Any grievance raised by a Chief Officer shall be heard as appropriate by the Chief Executive or the relevant Director.
- 16. Any grievance not resolved by the above processes will be heard by the Members Appeals Panel, whose decision will be final.