



RECORD OF POWERS DELEGATED BY THE EXECUTIVE DIRECTOR FOR PLACE

Scheme of Delegation for Business & Skills – Business Centres

Date last reviewed:	
David Shepherd Executive Director for Place	<i>Approved by Signature:</i> 
Date Approved:	12.02.2025
Version No:	V1
Review Date:	12.02.2026
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DELEGATED POWERS

Purpose

To set out the delegations from the Executive Director for Place in accordance with the requirements of Part 3.7, paragraph 6 of Section F of the Council’s Constitution.

Related Policies & Documents to

- Council Constitution - Part 2 - Decision making by officers (Article 13.6)
- [Part 2 - Articles of the Constitution](#)
- Council Constitution - Part 3 – Responsibility for functions (Section F)
[Part 3 Responsibility for Functions](#)
- Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)
[Part 4 Council Rules of Procedure](#)

Key Statutes/Legislation

The following pieces of legislation are applied in the delegated decisions specified in this document:

<p>Counter Terrorism and Security Act 2015 Crime and Disorder Act 1988 Criminal Law Act 1977</p>	<p>Law of Property Act 1925 Leasehold Reform Act 1967 Landlord and Tenant Act 1927 Landlord and Tenant Act 1954 Landlord and Tenant Act 1988 Part II of the Landlord and Tenant Act 1954 and the Regulatory Reform (Business Tenancies) (England & Wales) Order 2003</p>	<p>Local Government Act 2000 Local Government (Miscellaneous Provisions) Act 1976 Town and Country Planning Act 1990 Tribunals, Courts and Enforcement Act 2007 AND all secondary legislation enacted thereunder</p>
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Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

Summary

The Council's Constitution requires that each Executive Director will prepare service schemes of delegation which set out how decisions will be made in each of the Services for which they are responsible. Such schemes should clearly identify which officers have been authorised to make decisions under the delegated powers of the Executive Director. All schemes of delegation will be lodged with the Council's Service Director Legal, Governance and Commissioning (Monitoring Officer) Officer and made available to the public on request.

Each Service Director or Monitoring Officer has the authority to make amendments to the Scheme of Delegation necessitated by legislative changes as and when appropriate.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Procurement Code, Financial Regulations and other relevant policies and procedures. A decision can be made by the lowest ranked officer specified at the back of this document, without the need for sign off by one or more officers at the higher level. If a counter signature is required for certain authorisations this is an internal matter for the Service.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Services business is dealt with in the most efficient way possible. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Executive Director.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the powers delegated to them officers must observe any additional procedural requirements that apply within their services eg any requirement to consult local ward councillors, cabinet members and/or the leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

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Responsibility	Officer A	Officer B	OM	SM	HOS	SD
LETTING OF LAND AND PROPERTY						
Authority to negotiate and agree terms in relation to the documentation listed below: Business Mail Service Agreement The Glass Box Business Mail Service Agreement Co-working Office Space Agreement Co-working Office Space Agreement Thrive 6-month Batley Enterprise Centre Licence Agreement New Start Licence Agreement Hire Agreement				✓		
Authority to negotiate and agree terms for standard form Fixed Term Tenancy agreements and serve all relevant Notices under the Regulatory Reform (Business Tenancies) (England & Wales) Order 2003			✓	✓		
Authority to instruct the Service Director – Legal, Governance & Commissioning to execute the standard form of Fixed Term Tenancy agreement			✓	✓		
Authority to instruct the Service Director – Legal, Governance & Commissioning to complete formal Deeds of Apportionment of leasehold properties			✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance & Commissioning to complete and serve necessary Notices to Quit and to authorise the Memorandum of Rent review that fall outside the standard forms of agreement in respect of licences, privileges, hire agreements and Fixed Term Tenancy Agreement, and Notices. i.e., Section 25 Notices			✓	✓	✓	✓
Responsibility	Officer A	Officer B	OM	SM	HOS	SD
Authority to instruct a third-party specialist/Property Surveyor where necessary to determine rent reviews and other property disputes			✓	✓	✓	✓
Authority to approve changes of use, extension to user clauses or variations to covenants within Leases & instruct the Service Director – Legal, Governance & Commissioning to complete the documentation			✓	✓		
Authority to negotiate the surrender of Leases & instruct the Service Director – Legal, Governance & Commissioning to complete the documentation where the standard Notices Part II of the Landlord and			✓	✓		

Tenant Act 1954, Security of Tenure do not apply.						
Authority to institute proceedings for & where necessary instruct the Service Director – Legal Governance & Commissioning 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			✓	✓	✓	✓
Authority to determine the scale of fees & charges relating to costs for additional services to tenants and all related administration work in connection with the preparation and completion of the documentation referred to in this Scheme			✓	✓	✓	✓
NOTICE TO QUIT						
Authority to serve all Notices to Quit				✓		
Responsibility	Officer A	Officer B	OM	SM	HOS	SD
PROCUREMENT OF SERVICES FROM THIRD PARTY PROVIDERS						
Authority to call off Frameworks for works to be undertaken by third party providers.			✓	✓	✓	✓
TERRORISM/EMERGENCY PLANNING - PREVENT						
To take all necessary steps to deal with an emergency in accordance with the Kirklees Emergency Plan and the Business Centre Service Business Continuity Plan.			✓	✓	✓	✓
To ensure the Council’s policies, procedures and resources in the leasing/letting/other occupation of property have due regard to ‘Prevent’ duty under s26 of the Counter Terrorism and Security Act 2015 and Home Office Guidance to prevent people being drawn into terrorism and that Contractors support the Council to discharge the ‘Prevent duty’			✓	✓	✓	✓
TRESPASSERS/SQUATTERS						
Authority to instruct the Service Director – Legal, Governance & Commissioning to recover possession from squatters of a business centre premise.			✓	✓	✓	✓

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Authority to instruct the Service Director – Legal Governance & Commissioning to regain/obtain possession of any land or premises, owned, leased or occupied by the Council which are occupied without the consent of the Council.			✓	✓	✓	✓
Authority to determine the scale of fees & charges relating to costs for administration work relating to gaining possession.				✓	✓	✓

Key to authorised officers:

Responsibility	Post Title/Section
Officer A	Business Support Officer Grade 5
Officer B	Business Support Officer Grade 6 Senior Business Centre Officer Grade 10
OM (Operations Manager)	Business Centre Manager Grade 11
SM (Strategic Lead)	Senior Business Centre Manager Grade 13
HoS	Head of Service for Business and Skills
SD	Service Director Skills and Regeneration