

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

Specific and non-executive delegations

1. To review decisions made by the Head of Corporate Property and Land relating to the list of assets of community value.

The following matters are, in addition, delegated to the Head of Environment:

2. To authorise suitably qualified and competent staff within Environmental Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under all legislation related to the Executive functions in paragraph 1 of Table 6.
3. To authorise suitably qualified and competent staff within Environmental Services to discharge the regulatory and enforcement functions of the Council related to the Executive functions in paragraph 1 of Table 6.
4. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions including the institution of legal proceedings under all legislation related to the Executive functions in paragraph 1 of Table 6.
5. To issue simple and conditional cautions in accordance with PACE and the Home Office Guidance to persons guilty of criminal offences under legislation relating to Executive functions in paragraph 1 of Table 6.
6. To exercise functions as Waste Collection and Disposal Authority under all legislation relating to Waste Management.
7. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation relating to Executive functions listed in Paragraph 1 of Table 6.
8. To manage the Council's allotments which includes responsibility for the grant, renewal and termination of allotment tenancies.
9. To designate any areas to be of special architectural or historical interest as conservation areas; to review and amend the boundaries and conclude Character appraisals and to formulate and prepare proposals for the preservation and enhancement of those areas.

The following matters are, in addition delegated to the Head of ~~Technical Services~~ Highway Services:

1. Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a highway authority and street authority. Specifically but not exclusively to:
 - (a) maintain a register of adopted streets, enter into agreements for adopting highways and adopt private streets by notice;
 - (b) take any necessary action in connection with the Advance Payments Code and to make highway funding agreements;
 - (c) determine applications for licences, permits and consents in connection with vehicle crossings, builders skips, use of traffic signs, placing/licensing amenities in the highway, erection of emergency barriers, scaffolding, hoardings and the deposit of building materials on the public highway, excavations and openings in the highway, vaults and cellars, street works and permits for heavy trailers;
 - (d) exercise the Council's common law powers to remove obstructions and abate nuisances on the highway;
 - (e) take action to protect highways rights and deal with obstructions;
 - (f) direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off the highway;
 - (g) to make temporary road closure orders/notices, orders closing streets for processions etc and exercise the Council's powers;
 - (h) enforce all the provisions of and initiate legal proceedings under all the sections of the Highway Act 1980;
 - (i) to exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths;
 - (j) to grant street works license under section 50 of the New Roads and Street Works Act 1991
 - (k) to issue fixed penalty notices to statutory undertakers who fail to serve correct notices under the New Roads and Street Works Act 1991 to carry out works on the road network;
2. To exercise all the Council's functions relating to provisions of the Highways Act 1980 as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations.
3. To authorise suitably qualified and competent staff within ~~Technical Services~~ Highway Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers regulatory and enforcement functions under the legislation relevant to the role of Head of ~~Technical Services~~ Highway Services.
4. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions, including the institution of legal proceedings, under all legislation relevant to the role of Head of ~~Technical Services~~ Highway Services.

5. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation relevant to the role of Head of ~~Technical Services~~ Highway Services.
6. To exercise the functions of land drainage and Lead Local Flood Authority.

The following matters are, in addition, delegated to the Head of Partnerships and Community Engagement:

7. To authorise the expenditure of Neighbourhood and Area budgets approved by the Council in consultation with the relevant Area Action Partnership Board and the appropriate local Member(s).
8. To support and co-ordinate partnership boards including and not limited to community safety/ crime and disorder; health and wellbeing; children, young people and families.
9. To plan the requirements for welcoming and supporting refugees and individuals seeking asylum, including capacity within the County as part of the Government Migration Programme.

The following matters are, in addition, delegated to the Head of Community Protection:

10. To exercise all of the Council's functions including licensing, registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
 - (a) Performances of hypnotism;
 - (b) Premises for acupuncture, tattooing, ear piercing and electrolysis;
 - (c) Pleasure boats and pleasure vessels;
 - (d) Night cafes and take-away food shops;
 - (e) Sale of non-medicinal poisons;
 - (f) Premises for the preparation of food including registration;
 - (g) Scrap yards;
 - (h) Pet shops and the breeding and boarding of dogs or other animals;
 - (i) Animal trainers;
 - (j) Knackers' yards;
 - (k) Charitable collections;
 - (l) Operation of loudspeakers;
 - (m) Street works licences;
 - (n) Movement and sale of cattle and pigs;
 - (o) Storage of celluloid;
 - (p) Meat, fish, dairy and egg product establishments and butchers' shops;
 - (q) Motor salvage operations;

| Gambling Act 2005 | Functions | Delegation |
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| Section 202 | Determination of action following review of Premises Licence | Licensing Sub-Committee |
| Section 204 | Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) | Licensing Sub-Committee |
| | Determination of application for provisional statement in respect of which no representations received | Officers |
| Section 205 | Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement | Officers in consultation with the Chair or Vice-Chair of the Licensing Committee |
| Section 218 | Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded | Officers |
| Section 221 | Objection to Temporary Use Notice | Officers |
| Section 222 | Hearing in relation to a Temporary Use Notice or to agree with other parties in the event of an objection that a hearing is unnecessary | Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee |
| Section 284 | Making of Order to remove exemptions from specified premises | Licensing Sub-Committee |
| Section 346 | Institution of criminal proceedings in respect of an offence under the provisions of the Act | Officers in consultation with the Chair or Vice-Chair of the Licensing Committee |
| Schedule 10 Paragraph 8 | Determination of application for Family Entertainment Centre Gaming Machine Permit | Head of Administration (or in their absence the Central Services Manager) (Refusal to be exercised only in consultation with Chair or Vice-Chair of the Licensing Committee) |
| <u>Schedule 10</u> Paragraphs 14 and 15 | Notification of lapse of Family Entertainment Centre Gaming Permit | Officers in consultation with the Chair or Vice-Chair of the Licensing Committee |
| Schedule 11 Paragraph 44 | Registration of society for small society lottery | Officers |

| Gambling Act 2005 | Functions | Delegation |
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| Schedule 11 Paragraph 48 | Refusal of application for registration of society for small society lottery | Officers in consultation with the Chair or Vice-Chair of the Licensing Committee |
| Schedule 11 Paragraph 50 | Revocation of registration of society for small society lottery | Officers in consultation with the Chair or Vice-Chair of the Licensing Committee |
| Schedule 11 Paragraph 54 | Cancellation of registration of society for small society lottery for non-payment of annual fee | Officers |
| Schedule 12 Paragraphs 5 and 10 and 24 | Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn) | Licensing Sub-Committee |
| | Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received | Officers |
| Schedule 12 Paragraph 15 | Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn) | Licensing Sub-Committee |
| | Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received | Officers |
| Schedule 12 Paragraph 21 | Cancellation of Club Gaming Permit and Club Registration Permit | Licensing Sub-Committee |
| Schedule 12 Paragraph 22 | Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee | Officers |
| Schedule 13 Paragraphs 4, 15 and 19 | Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit | Officers (Refusal and limitation on number of machines only in consultation with Chair or Vice-Chair of the Licensing Committee) |
| Schedule 13 Paragraph 16 | Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn) | Licensing Sub-Committee |

| Gambling Act 2005 | Functions | Delegation |
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| | Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received | Officers |
| Schedule 13 Paragraph 17 | Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee | Officers |
| Schedule 14 Paragraphs 9 and 18 | Determination of application for Prize Gaming Permit and application for renewal of Permit | Officers (Refusal only in consultation with Chair or Vice-Chair of Licensing Committee) |
| Schedule 14 Paragraph 15 | Determination that Prize Gaming Permit has lapsed | Officers |