

Part 3C - Delegations to Officers

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Table 1 - General Delegations to all Chief Officers

1. The Chief Officers referred to in this scheme of delegations are those set out in Article 9 of this Constitution.
2. Chief Officers are empowered to carry out those specific functions of the Council delegated to them in the scheme of delegation. In doing so Chief Officers are expected to follow principles of decision making in Article 10 of the Constitution.
3. Functions are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
4. In exercising their delegated powers Chief Officers may:
 - (a) Incur, vary and withdraw expenditure including the making of contributions to outside bodies whose objects are complementary to the work of the Council.
 - (b) In consultation, where appropriate, with the relevant Cabinet Portfolio Member, introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval.
 - (c) Deal with the following employment issues in accordance with the Council's procedures:
 - i. engage, suspend, dismiss and deploy staff up to and including Head of Service level;
 - ii. take disciplinary action against staff up to but excluding appeals against dismissal;
 - iii. apply conditions of service in accordance with the Council's policies;
 - iv. permanently regrade posts up to and including Head of Service level with the approval of the Corporate Director of Resources.
 - v. make establishment changes up to and including Head of Service level;
 - vi. deal with applications for regrading up to and including final appeal, ensuring that the person hearing the final appeal has had no previous involvement in the matter.
 - (d) Deploy other resources within their control.

- (e) Within service budgets, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules.
 - (f) Terminate contractual and other commissioning arrangements.
 - (g) Serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the Council.
 - (h) Exercise virement within the financial limits contained in the Financial Procedure Rules.
 - (i) Provide services to other local authorities and organisations.
 - (j) Respond to consultations from Government departments and other public bodies.
 - (k) Request the Head of Legal and Democratic Services to enforce any by-laws relevant to their service area.
 - (l) Exercise the Council's rights in any company or other form of corporate body of which the Council is a shareholder or member, unless alternative arrangements are specified in the relevant body's articles of association, other governing instrument, any shareholders' agreement or any specified delegations in relation to particular bodies.
5. In exercising their delegated powers Chief Officers must act within the law, the Council's Constitution, its Financial and Contract Procedure Rules and other procedures and policies and within appropriate service budgets.
6. In exercising their delegated powers the Chief Officers will:
- (a) Follow the procedures and guidance set out in the Guidance on the Exercising and Recording of Delegated Powers issued by the Monitoring Officer.
 - (b) Consult the relevant Cabinet Portfolio Member as appropriate.
 - (c) Consult any appropriate Chief Officer or relevant Head of Service, in particular where there are significant financial, legal, property or HR implications of the proposed action or decision.
 - (d) Make the record available to:
 - i. the public, provided this does not mean the release of confidential or exempt information;

- ii. any Member of the Council provided this does not involve the release of confidential or exempt information to which the Member is not entitled; and
 - iii. the Chief Executive and Head of Legal and Democratic Services.
7. Each Chief Officer shall act as the designated Proper Officer for the Local Government Act 1972:
 - (a) To identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100(d)(v)(a) of the Act).
 - (b) To prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100(d)(i)(a) and (b) of the Act) (such delegation relates to the Chief Officer(s) in whose name(s) the report is prepared).
8. Chief Officers and Heads of Service may authorise officers to exercise powers delegated to them. Chief Officers and Heads of Service must maintain proper records of such authorisation. The Chief Officer or Head of Service shall remain accountable for any action or decisions taken under that authority.
9. For the avoidance of doubt, any authorisations made by Chief Officers to officers in force immediately prior to the adoption of this Constitution shall continue in force and any action taken thereunder shall remain valid unless and until it is superseded by either further such delegation or authorisation, or any action taken pursuant to later delegation.
10. In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer, those delegated powers may be exercised by the relevant Heads of Service so far as permitted by law.
11. Where this Constitution permits the exercise of delegated powers by Heads of Service, such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.
12. Where it is impracticable to obtain authorisation from the Council body with responsibility for the function and subject to the action being reported (for information) to the next convenient meeting of that body, to take urgent action within legal powers where this is necessary in the interests of the Council, in respect of matters otherwise reserved to the Executive or some other Council body.

The following matters are, in addition, delegated to all Heads of Service:

13. Determining or resolving corporate complaints including the ability to make compensatory payments.

Table 2 - Delegations to the Chief Executive

1. To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.
2. To guide and, where appropriate, direct chief officers in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
3. (a) To carry out any executive function which is delegated to a particular chief officer in consultation with the relevant Cabinet Portfolio Member.

(b) To carry out any executive function of a corporate nature in consultation where appropriate with the Leader and Deputy Leader.
4. To grant exemptions on the political restriction of officer posts under the Localism Act 2011.
5. To designate suitably qualified officers as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act, 2000.
6. To act as Returning Officer for County Council Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act).
7. To act as Electoral Registration Officer for the County in accordance with Section 8 of the 1983 Act.
8. To approve officer severance payments of £20,000 and above, but below £100,000, in consultation with the Leader and the Portfolio Holder for Finance.
9. To discharge any function of the Executive in relation to communications.
10. To carry out any executive function in relation to Corporate Affairs, Policy, Planning, Performance and Communications.

The following matters are delegated to the Head of Corporate Affairs:

11. To develop, implement and keep under review an effective internal and external communications strategy, which maintains the strong brand and reputation of the Council.
12. To lead on the development of the Council Plan.
13. To develop, implement and keep under review an effective performance management framework.

Table 3 - Delegations to the Director for Regeneration, Economy and Growth

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Director of Regeneration, Economy and Growth is authorised to discharge any function of the Executive in relation to:

- Archives and Records
- Arts and Culture
- Assets, Estates and Property Management
- Attracting inward investment
- Building Control
- Business Durham
- Building Facilities and Management
- CCTV (Internal use)
- Care Connect and CCTV (public space cameras)
- Construction Programme and Project Management including: Programme and Project Management, Quantity Surveying and Accounts, Construction and Design Management (CDM)
- Culture Sport and Leisure
- Dangerous Structures
- Durham Key options (Housing)
- Economic Development
- Economic Regeneration
- Employability
- External Funding and Programmes
- Health and Safety (Internal)
- Housing Renewal and Improvement
- Housing Management, Strategy and Policy
- Integrated Passenger Transport Unit
- Local Transport Planning
- Libraries
- Management of commercial property portfolio
- Marketing
- Mineral and Waste Applications
- Museums
- Neighbourhood Planning
- Parking Policy, Control and Enforcement
- Planning Applications and Appeals
- Prevention & Resolution of Homelessness
- Project Design, Development and Delivery
- Promoting enterprise
- Regeneration Policy and Programmes
- Selective Licensing (Housing)

- Strategic Spatial and Planning Policy
- Sport and Leisure Centres
- Tourism (Visit County Durham)
- Theatre and Performing Arts
- Strategic Transport and Traffic Management

In carrying out these delegated functions the 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 Property and Land relating to the list of assets of community value.
2. In consultation with the Corporate Director of Resources as Section 151 Officer, the Cabinet Portfolio Holder for Resources, Investments and Assets and the Cabinet Portfolio Holder for Finance, to approve the acquisition of property up to the value of £500,000 where the property is to be used as a children's home only.

The following matters are, in addition, delegated to the Head of Planning and Housing:

3. To exercise the Council's functions in relation to housing including:
 - (a) the determination of any applications for grant and/or housing assistance loans;
 - (b) the exercise of the Council's enforcement powers under the legislation relating to private sector housing;
 - (c) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness;
 - (d) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.
4. To carry out the Council's functions in relation to permanent Gypsy, Roma and Traveller sites, including allocation of sites, site management, rent recovery and tenant support.
5. To determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous

Substances) Act 1990 or under any related principal or secondary legislation, except the following:

- (a) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days that any Member of the Council requests be determined by the Planning Committee (such must be made in writing to the Head of Planning and Housing specifying material planning grounds on which the request is made and received by the Head of Planning and Housing within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest);
- (b) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where a Member of the Council or an officer of the Planning Development Service or their spouse/partner or children has an interest in the property or land which is the subject of the application or notification and where there is an objection to the application or notification;
- (c) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where, despite a Town or Parish Council having expressed objection or support, the officer is minded to recommend the application or notification on material planning grounds contrary to the wishes of the local council and:
 - i) the local council have made a specific request in writing for the application or notification to go before a planning committee; and
 - ii) the local council have confirmed their intention to attend the planning committee to make representations on the application; and
 - iii) the written request is received by the Head of Planning and Housing within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest).
- (d) Major developments (excluding section 73 Reserved Matter applications and Review of Mineral Planning Permissions) comprising:
 - i) major residential developments (10 or more dwellings or a site area of 0.5ha or greater) except where the application is for a substitution of house types on a scheme already benefitting from an extant planning permission;
 - ii) development of more than 20,000m² of floor space or a site area of 4ha or greater comprised in Use Class B1 (Business) and/or Use

Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution) or waste and waste related development; or

- iii) development not falling within (i) and (ii) above, where the floor space is 1000m² (gross) or more or the site area is 1 hectare or more except applications where the use or building would be for agriculture or personal equestrian use;
 - (e) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days likely to have, in the opinion of the Head of Planning and Housing, a significant impact on the environment or are by their nature particularly controversial;
 - (f) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days recommended for refusal which involve the creation of 10 or more full time or equivalent jobs;
 - (g) those applications for planning permission or notifications which have a relevant timescale of more than 35 days where there is a significant departure from Development Plan policy and which would be required to be the subject of a notification to the Secretary of State.
6. The exercise of the Council's enforcement powers under legislation in relation to Common Land and Town and Village Greens.
 7. To decline to determine planning applications under Sections 70A, 70B and 70C of the Town and Country Planning Act.
 8. To finally dispose of planning applications pursuant to Article 40(13)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015
 9. To take all necessary steps in connection with the defence of appeals against any refusal or failure to determine any of the applications and notifications mentioned at paragraph 5 above.
 10. To provide pre-application advice on proposed or anticipated development schemes in accordance with the Council's Pre-Application Advice Protocol.
 11. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.
 12. To carry out reviews of planning permissions as required by the Habitats Directive and the Conservation of Habitats and Species Regulations 2017.

13. To authorise the making and confirmation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) England Order 2015.
14. To authorise the making of proposals to the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations.
15. In consultation with the Cabinet Portfolio Holder for Economic Regeneration and the member/s for the Electoral Division/s affected to determine applications for funding of schemes from monies held by the Council under planning obligations.
16. To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements and Section 39 Agreements and to authorise the giving of any approval or consent required pursuant to a S106 Planning Obligation, S106A Deed of Variation or Section 52 Planning Agreement, or Section 39 Agreements.
17. Authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 on behalf of the Council.
18. Authorise the taking of prosecution action applications for injunctions and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the enforcement of legislation relating to town and country planning and conservation.
19. To administer simple and conditional cautions in accordance with PACE and Home Office guidance to persons guilty of criminal offences under legislation relating to town and country planning and conservation.
20. Authorise the taking of default action under Sections 178 and 219 of the Town and Country Planning Act 1990.
21. Authorise the making of Orders under Section 257 of the Town and Country Planning Act 1990.
22. To authorise applications to the Secretary of State for an order under Sections 247 and 249 of the Town and Country Planning Act 1990.
23. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 and Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.

24. Authorise the making, confirmation, revocation and variations of Tree Preservations Orders and to determine applications for consent under such Orders.
25. To authorise the taking of all necessary steps in connection with Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Order.
26. Providing advice or assistance to Parish Council, Neighbourhood Forum or community organisation that is producing a Neighbourhood Plan or Order as required by para 3 of Schedule 4b to the Town and Country Planning Act 1990 (as amended).
27. In connection with any proposed development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, determine whether an Environmental Impact Assessment is required (screening) and the information required (scoping).
28. Authorise individual named officers to exercise powers of entry contained in the following:
 - The Hedgerow Regulations 1997
 - Town and Country Planning Act 1990
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Planning (Hazardous Substances) Act 1990
 - Building Act 1984
 - Fire Safety and Safety of Places of Sport Act 1987
 - Safety of Sport Grounds Act 1975
 - Local Government (Miscellaneous Provisions) Act 1982
 - Party Wall etc Act 1996
 - Planning Act 2008or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority.
29. To administer and determine complaints about high hedges and to take default action as necessary under the Anti-Social Behaviour Act 2003.
30. The obtaining of information under Section 330 of the Town and Country Planning Act 1990.
31. To exercise the Council's powers to take temporary possession of land pursuant to the Neighbourhood Planning Act 2017.
32. Act under and in respect of:
 - (a) Sections 16, 19 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;

- (b) Sections 77 to 78 and 80 to 83, Building Act 1984;
- (c) Building Regulation 18 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings (Building Regulations 2010),
- (d) Party Wall Act etc.1996.
33. To respond to government and other consultations on Planning, Housing, Transport and Economic Policy.
34. Accept and reject notices, certificates and certificates of compliance from Approved Inspectors and Public Bodies under Sections 47 to 54, Building Act 1984 and to issue safety certificates in accordance with the Safety of Sports Grounds Act 1975 and Part III, Fire Safety and Safety of Places of Sport Act 1987.
35. To authorise, sign and serve all notices and deal with all applications, licences, revocations and suspensions and take all necessary enforcement action on behalf of the Council in respect of its responsibilities for matters of building control.
36. The management of all matters required to ensure the Council carries out its statutory duties as a local housing authority as prescribed in:
- Housing Act 1985
 - Housing Act 1996
 - Housing Act 2004
 - Local Government and Housing Act 1989
 - Localism Act 2011
 - The Regulatory Framework set out by the Regulator for Social Housing and
 - Any other relevant statute or government guidance relating to the management and provision of social housing and related facilities.
37. In conjunction with the Head of Corporate Finance and Commercial Services maintain a Housing Revenue Account in accordance with sections 74 – 78 of the Local Government and Housing Act 1989.
38. To exercise the Council's functions in respect of the preparation and development of appropriate strategies and plans for the Council's housing stock, including the Housing Investment Programme and Cyclical Maintenance Programmes including the construction, repair, maintenance, modernisation and redevelopment and renewal of properties including (but not limited to) house condition surveys and the preparation and implementation of programmes of repair and improvement.

39. To prepare and keep under review from time to time the Council's Tenancy Strategy in line with the requirements of the Localism Act 2011.
40. In consultation with the Head of Corporate Finance and Commercial Services to take any decisions on the selection of property where it is appropriate to charge an affordable rent in line with the Regulator for Social Housing's Rent Standard.
41. Exercising the management of functions of the Council in relation to dwellings owned by the Council but not held under Part IV of the Housing Act 1985.
42. Without prejudice to the foregoing delegations, to exercise the following functions of the Council:
 - (a) authorising the allocation and granting of tenancies and licenses in accordance with the Council's allocation scheme;
 - (b) approving rents in specific cases;
 - (c) serving and enforcing notices, to quit, of termination or seeking possession;
 - i) maintaining properties and estates;
 - ii) The management of empty properties;
 - (d) granting consent or otherwise to the succession or assignment of a tenancy where statute allows and in line with the Council's policy;
 - (e) granting consent to mutual exchanges, imposing conditions to that consent where appropriate or refusing such consent with reference to Schedule 3 of the Housing Act 1985
 - (f) granting consent, imposing conditions to that consent where appropriate or otherwise withholding tenants' requests to carry out improvements or alterations in accordance with the Housing Act 1985 sections 97-99
 - (g) granting consent or otherwise in any other matter where the Council's tenancy agreement including introductory tenancy agreement or licensees requires that permission is sought by the tenant or licensee;
 - (h) authorising compensation for tenants' improvements be they statutory or discretionary (Housing Act 1985 sections 99a and 100);
 - (i) settling any claims by tenants for disrepair,
 - (j) taking action under sections 1 and 115 of the Crime and Disorder Act 1998, Part V of the Housing Act 1996, Anti-Social Behaviour Act 2003 and Housing Act 2004;

- (k) taking action to secure the eviction of trespassers;
 - (l) undertaking consultation with tenants and / or social landlords where required by statute or government guidance or where otherwise appropriate e.g. section 105 of the Housing Act 1985; and
 - (m) authorise the granting of licenses for the use of garages, reviewing license conditions and subsequent termination of licenses where necessary.
 - (n) Carry out the Council's statutory responsibilities under Part V of the Housing Act 1985 (Right to Buy).
43. Authorising service of statutory notices, admitting / denying the right to buy, withdrawing or requiring completion.
44. Authorising sales of freehold or otherwise granting of long leases
45. In consultation with the Head of Legal and Democratic Services, enforcing covenants including those relating to repayment of discount, use of shared areas and letting of whole.
46. In consultation with the Head of Legal and Democratic Services
- (a) Agreeing variations to the terms of individual leases.
 - (b) Granting/refusing permission to requests on various matters, by leaseholders, where the lease requires consent of the landlord.
 - (c) Authorising legal action for breaches of covenants.
47. Determining the application of covenants applied in relation to the Right to Buy under section 157 of the Housing Act 1985 relating to homes in areas covered by National Parks, Area of Outstanding Natural Beauty and Designated Rural Areas relating to:
- (a) Restriction of onward sales to people who have lived or worked in the area for a period of 3 years, or
 - (b) Exercising the Council's first right of refusal to repurchase the property within first 10 years following the RTB sale.
48. Exercising the functions of the Council under Part X of the Housing Act 1985 and Part IV, Chapter 3, and Part VII of the Housing Act 2004 in relation to overcrowding.
49. Exercising the functions of the Council under the Protection from Eviction Act

- 1977, the Protection from Harassment Act 1997 and all other enabling powers to regulate and control private landlords.
50. Exercising the functions of the Council under the Landlord and Tenant Act 1985 (landlord's obligations).
 51. In consultation with the Head of Corporate Finance and Commercial Services, write off irrecoverable debt due from current and former tenants in compliance with the Council's write off policy.
 52. In consultation with the Head of Corporate Finance and Commercial Services, write off any un-refundable Credit balances associated with untraceable former tenants in compliance with the Council's write off policy.
 53. To determine disturbance payments and applications for home loss payments in accordance with the Land Compensation Act 1973.
 54. Undertaking and determining reviews under the Introductory Tenants (Review) Regulations 1997.
 55. To make decisions under Access to Personal Files (Housing) Regulations 1989.
 56. To authorise payments to tenants for decoration and removal expenses or approve ex-gratia payments in appropriate circumstances.
 57. Agreeing terms with private landlords and registered social landlords to lease accommodation for the purposes of providing temporary housing for homeless households.
 58. To consider and determine any matters relating to the Housing Act 1985 (as amended in respect of Right to Buy including the repayment of discount and right of first refusal.
 59. To ensure compliance with all Council policies relating to the provision and management of Council owned residential properties. Council to make changes to all such policies where provision of service would be improved, or necessity arises or to recommend such changes to Cabinet where appropriate.
 60. To establish such arrangements as appropriate to ensure effective engagement of tenants and leaseholders in the setting, monitoring and review of housing and related services including holding meetings, organising consultation events, surveys, and newsletters.
 61. To consider and respond to requests from Durham Police in respect of the designation of dispersal areas under the provisions of the Anti- Social Behaviour Crime and Policing Act 2014.

62. Provision and operation of closed-circuit television in accordance with the Criminal Justice and Public Order Act 1994 and the Private Security Industry Act 2001.

The following matters are, in addition, delegated to the Head of Corporate Property and Land:

63. In consultation with the Local Members and the relevant Cabinet Portfolio Member, to sell or lease any property which is surplus to the requirements of the Service for which it is held and where after enquiries no other Service has expressed an interest in the property.
64. To approve the principle of acquiring property at a price not exceeding £250,000.
65. To settle the terms of the purchase or lease of property the acquisition of which has been approved in principle by the Council and to settle any dilapidation claim at the end of any lease acquired.
66. To negotiate the acquisition of easements, rights of way, wayleaves, licences, covenants and consents for the benefit of Council land and property at a value not exceeding £250,000.
67. To accept the dedication or transfer of land to be maintained as public open space subject to satisfactory terms being negotiated for contribution to the cost of maintenance.
68. To deal with applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put.
69. To approve the granting of an option over Council land or the acquiring by the Council of an option over land and to approve the extension of any option granted or acquired.
70. To authorise the use of Council land as a permissive right of way and/or to dedicate Council land as a public right of way.
71. In consultation with the appropriate Service representative to grant leases on any council owned property, whether or not it has been declared surplus.
72. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.
73. To agree the appropriation of land from one use to another where this is necessary to facilitate schemes to be carried out by or on behalf of the Council.

74. To settle compensation claims not exceeding £50,000 either under the provisions of Part 1 of the Land Compensation Act 1973 or as a result of the Council taking entry to property for borehole samples, surveys or other site investigations.
75. To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Corporate Finance and Commercial Services.
76. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
77. To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
78. Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
79. To approve disposals and appropriations of Open Space and Public Walks and Pleasure Grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 subject to seeking guidance from the Highways Committee in the event of unresolved objections being received.
80. To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto, as defined in Part 5, Chapter 3 of the Localism Act 2011.
81. All duties arising out of the establishment of the Business Improvement Districts.
82. To authorise land disposals at an undervalue in excess of £50,000. Disposals at an undervalue in excess of £2 million require Secretary of State approval.
83. Serve, receive and act upon legal notices and apply for permissions, in the exercise of any discretionary power or in complying with any duty of the Council in relation to land and property.

The following matters are, in addition, delegated to the Head of Transport and Contract Services:

84. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
85. To exercise the Council's powers under the Traffic Management Act 2004 and Transport Act 2000 to:

- (a) issue a penalty charge notice in connection with parking offences and part of the civil parking regime
 - (b) allow exceptions to normal civil parking enforcement practices where appropriate
86. To authorise the taking of prosecution action applications for blue badge misuse and abuse and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the Council's powers of enforcement of legislation relating to highways and road traffic.
 87. To administer simple and conditional cautions in accordance with PACE and Home Office Guidance to persons guilty of criminal offences under legislation relating to highways and road traffic.
 88. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.
 89. To undertake non-statutory consultations before implementing proposals to locate bus stop infrastructure, subject to consultation with Highways Committee before exercising this delegated power if there are unresolved representations to such proposals.
 90. To discharge the regulatory and enforcement functions of the Council under legislation relating to highways and road traffic.
 91. To enter into agreements under Sections 38, 219 and 220 of the Highways Act 1980 to adopt and thereafter maintain highways at the public expense.
 92. To enter into Section 278 of the Highways Act 1980 agreements to modify existing highways.
 93. To update and amend as necessary the list of streets maintained under Section 36(6) of the Highways Act 1980

The following matters are, in addition, delegated to the Head of Culture and Sport:

94. To authorise suitably qualified and competent staff within Culture and Sport and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under all legislation relating to the Council's functions in respect of Culture and Sport.
95. To exercise the Council's functions under all legislation relating to its role as Library Authority.

96. In consultation with the Head of Legal and Democratic Services to take enforcement action under bye-laws relating to arts, libraries and museums.
97. To approve agency agreements where financial transactions are not required.

Table 4 - Delegations to the Corporate Director of Adult and Health Services

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Adult and Health Services, is authorised to discharge any function of the Executive in relation to:

1. The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:
 - (a) Adults;
 - (b) Carers;
 - (c) Prisoners and/or people in approved premises within County Durham who have social care needs;
 - (d) Functions exercisable on behalf of an NHS body so far as it relates to adults.
2. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including applications to displace nearest relatives and appointment as nearest relative and the acceptance and exercise of guardianships under the Mental Health Act 1983.
3. To formally approve and authorise Mental Health Professionals who are eligible and qualified to be considered as Approved Mental Health Practitioners.
4. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of services provided under the Mental Capacity Act 2005 including appointment as Deputy and applications to the Court of Protection and undertaking Deprivation of Liberty Safeguard authorisations (DoLS).
5. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and AHS corporate complaints procedure.
6. Establishing and amending a charging policy for Adults Social Care.
7. Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
8. Setting and varying fees and charges for delivery of services.
9. Ensure our duty to co-operate is undertaken alongside our health partners and other agencies in the planning, commissioning, and assessing risk posed by

violent or sexual offenders led by the probation service, the prison service, and police.

10. Protection and promotion of the welfare and wellbeing of adults who have social care needs, including young people who have social care needs and who are moving into adulthood.
11. To meet the requirements as set down by regulatory bodies in relation to the operation of services within Adult and Health Services.
12. The provision, operation, commissioning, and variation of payments to external providers in respect of services arranged by the Corporate Director of Adult and Health Services.
13. Under the Care Act 2014 to discharge any functions in relation to the social care duties of the Council including:
 - (a) To provide information and advice about care and support services for adults and carers.
 - (b) To provide or arrange access to preventative services promoting wellbeing and independence.
 - (c) Ensuring that the needs of people continue to be met if their care provider becomes unable to carry on providing care because of business failure.
 - (d) Carrying out an assessment and applying national eligibility criteria for anyone who appears to require care and support, including carers who may need support.
 - (e) Work together with the NHS to ensure the safe hospital discharge of people with care and support needs.
 - (f) To provide a personal budget to anyone with 'eligible needs'.
 - (g) To provide access to advocacy for anyone who would have 'substantial difficulty' in being involved in making decisions about their care and support and have no appropriate individual (carer, family, or friend) to advocate for them.
 - (h) To have in place a Safeguarding Adults Board with a duty to assure itself that partners are working together to safeguard adults from abuse and neglect or the risk of abuse and neglect, and to support communities to prevent abuse and neglect.
 - (i) To make enquiries into specific concerns of abuse and neglect requiring the cooperation of partner agencies and led multi agency safeguarding investigations.

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 Delegations

14. To coordinate the Council's response to Section 17 of the Crime and Disorder Act 1998 and ensure the crime and disorder implications of the Council's decisions are properly considered.
15. To meet the requirements as set down by regulatory bodies in relation to the employment, registration, and training of all registrable staff.
16. To advise and contribute to the preparation of the Integrated Needs Assessment and Joint Health & Wellbeing Strategy in conjunction with the Director of Public Health and the North East and North Cumbria Integrated Care Board.
17. To be the lead Director on the local Safeguarding Adults Board in accordance with legislation and guidance.
18. To work in collaboration with partners in the development of the Safe Durham Partnership Strategic Assessment on behalf of the Safe Durham Partnership.
19. In conjunction with the Corporate Director of Resources sign off the Better Care Fund.
20. To take responsibility for the management of Adult Social Care functions in the context of the Integrated Community Services model.
21. To exercise the Council's duties and responsibilities in respect of market shaping and commissioning adult care and support as outlined in the Care Act 2014.

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).

Table 5 - Delegations to the Director of Public Health

Specific Delegations

1. Under Section 73A(1) of the National Health Service Act 2006 inserted by section 30 of the Health and Social Care Act 2012;
 - (a) To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need;
 - (b) To undertake duties to take steps to improve public health;
 - (c) To undertake such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations- these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act;
 - (d) To respond as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;
 - (e) To promote Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005) for maternity or child health clinics;
 - (f) To consult and make decisions on Fluoridation Schemes;
 - (g) The commissioning of services in relation to 0-5 children's public health.
2. To take responsibility for the management of the Council's Public Health Services and function, with professional responsibility and accountability for their effectiveness, availability, and value for money.
3. To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people's health concerns and around access to health services.
4. To provide the public with expert, objective advice on health matters.
5. To promote action across the life course, working together with council colleagues such as the Corporate Director of Adults and Health Services and with NHS colleagues.
6. To work with local Criminal Justice Partners and Police and Crime Commissioners to promote safer communities, including cooperating with the police, the probation service, and the prison service to assess the risk posed by violent or sexual offenders.
7. Under the National Health Service Act 2006 and the Health and Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Council including responsibility for writing the

annual report on the health of the local population. (The Council has a duty to Publish this report under section 73B (5) & (6) of the 2006 Act and Section 31 of the 2012 Act).

8. Under section 6C of the National Health Service Act 2006;
 - (a) To ensure appropriate access to sexual health services;
 - (b) To take responsibility for the National Child Measurement Programme;
 - (c) To take responsibility for the NHS Health Check Assessment;
 - (d) Support to NHS Commissioners.
9. To input into the Local Health Resilience Partnership (LHRP) for County Durham, Darlington, and Tees Valley.
10. To seek assurance of the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately.
11. To seek assurance of the NHS immunisation programmes including children 0-5 years, HPV and seasonal flu and any other that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.
12. To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.
13. Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.
14. Setting, varying, and recovering charges in respect of certain steps taken in the exercise of health improvement duties.
15. To advise and contribute to the preparation of the Pharmaceutical Needs Assessment.

Table 6 - Delegations to the Corporate Director of Children and Young People's Services

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Children and Young People's Services, is authorised to discharge any function of the Executive in relation to:

1. To act as the statutory officer under section 18(1) of the Children Act 2004 and provide arrangements for the safeguarding of vulnerable children and for promoting the wellbeing of children and families.
2. The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:-
 - (a) Children, or
 - (b) Children and young people leaving care
3. Issuing and conducting proceedings, including care proceedings and applications for placement orders in accordance with the Children Act 1989 and the Adoption and Children Act 2002 and all other relevant legislation and guidance.
4. Functions exercisable on behalf of an NHS body so far as it relates to children and young people.
5. To manage the Council's function as Local Education Authority, in accordance with strategic plans approved by the Council and governing legislation.
6. The Council's powers and duties in relation to the provision and commissioning of education and training opportunities for young people as determined by the Education Act 1996 and Education and Skills Act 2008 and all other legislation and guidance relating to education and training for young people.
7. The effective and lawful operation of a secure unit in accordance with the licence requirements set by the Office for Standards in Education, Children's Services and Skills (Ofsted).
8. To discharge all statutory duties and powers related to mental health services for children and young people in accordance with the Mental Health Act 1983.
9. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and corporate complaints procedure relating to children and young people.

10. Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
11. Setting and varying fees and charges for delivery of services.
12. Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the County for children and young people.
13. To meet the requirements as set down by regulatory bodies in relation to the operation of services within Children and Young People's Services.
14. To discharge the Council's responsibilities under Section 39(1) of the Crime and Disorder Act 1998 which requires the co-operation of the named statutory partners to form a Youth Justice Service.
15. The provision, operation, commissioning and variation of payments to external providers in respect of services arranged by the Corporate Director of Children and Young People's Services.
16. The provision, operation and commissioning of vocational training and allied services for persons over compulsory school age, including the provision of secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment and promotion of arrangements to assist persons to obtain employment and employers to obtain employees.
17. The provision, operation and commissioning of services in relation to Adult Learning.
18. To coordinate the transition of service provision for children who will require services into adulthood.
19. Under the Children and Families Act 2014, to discharge any functions in relation to the social care duties of the Council including:
20. To discharge the Council's powers and duties in the Children and Families Act 2014 in relation to children and young people with Special Educational Needs and Disabilities, including the publication of a 'Local Offer' which sets out services available for children and young people with special educational needs between the ages of 0-25.
21. To approve foster parents and to establish and maintain an adoption service in accordance with the Adoption Acts.

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 Delegations

22. To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registrable staff.
23. To license the employment of children in accordance with the Children and Young Persons Act 1933.
24. To be the lead Director on the Local Safeguarding Children's Partnership in accordance with legislation and guidance.

Table 7 - Delegations to the Corporate Director of Neighbourhoods and Climate Change

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of is Neighbourhoods and Climate Change authorised to discharge any function of the Executive in relation to:

- Allotments
- Anti-Social Behaviour
- Bereavement services
- Civic Pride
- Clean and Green including: Street Cleansing, Public Realm/ Open Space
- Community Buildings
- Community Development and Area Action Partnerships
- Community Engagement
- Support for statutory partnerships including community safety (incorporating the responsibilities under the Counter Terrorism and Security Act 2015 – the Prevent function), health and wellbeing, children and adults safeguarding.
- Conservation, Archaeology and Ecology
- Consumer Protection including Fair Trading, Safety and Metrology, Licensing and Markets
- County Fleet
- Emergency Planning and Civil Contingencies
- Environment Policy
- Government Migration Programmes
- Gypsy, Roma, Traveller Services
- Highway Services including: Highway Design, Construction and Maintenance, Winter Maintenance
- Maintenance, Parks and Grounds
- Neighbourhood Interventions
- Neighbourhood wardens
- Operational community safety
- Parks and Countryside
- Partnership Co-ordination and support for the County Durham Partnership
- Pest Control
- Public Rights of Way
- Refuse and Recycling including Waste Transfer Stations
- Strategic Highways including: Drainage and Coastal Protection, Network Management, Client, Policy and Asset Management, Road Safety
- Strategic Waste including Waste Contract and Management Strategy
- Sustainability & Climate Change

- Voluntary Sector and Local Councils

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 7.
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 7.
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 7.
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 7.
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 7.
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 Highway Services:

10. 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;
11. 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.
12. To authorise suitably qualified and competent staff within 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 Highway Services.
13. 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 Highway Services.

14. 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 Highway Services.
15. To exercise the functions of land drainage and Lead Local Flood Authority.
16. To exercise all of the Council's functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except matters reserved to the Highways Committee.

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

17. 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).
18. 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.
19. 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:

20. 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;
 - (r) Health and safety at work;
 - (s) Smoke-free premises and vehicles;
 - (t) Caravan and camping sites and moveable dwellings
21. To exercise the Council's functions in relation to:
- (a) The control of pollution and the management of air quality;
 - (b) Statutory nuisances, as referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
 - (c) Contaminated land;
 - (d) Port health.
22. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's licensing, approval, registration and enforcement functions, including the institution of legal proceedings under legislation relevant to the role of Head of Community Protection. This will include all forms of Licensing, Environmental Health, Statutory nuisance, Contaminated land, Food Safety, Consumer Protection, Trading Standards and Animal Welfare.
23. Subject to Appendices 1, 2 and 3 to this Table to authorise, suspend, vary, transfer, extend or revoke permits, licences, certificates, registrations and approvals issued under the legislation.
24. To issue simple and conditional cautions and in accordance with PACE and the Home Office Guidance to persons guilty of criminal offences under legislation falling within the role of Head of Community Protection.
25. To authorise suitably qualified and competent staff within the Environment, Health and Consumer Protection Division and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation falling within the role of Head Community Protection.
26. To authorise another local authority to institute legal proceedings in respect of alleged contraventions of legislation where related contraventions are being investigated by that authority.
27. To grant authorisations in relation to illegal money lending and unfair trading practices.
28. Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.

29. Power to appoint Proper Officers and alternate Proper Officers for the Authority for matters relating to Public Health, Port Health and the Control of Infectious Disease.
30. Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
31. To authorise Officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local Government Act 1972 or to be represented by a duly instructed solicitor.
32. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices 1, 2 and 3 to this Table.
33. To agree terms of conditions and licences in accordance with published best practice and/or guidance.

Appendix 1 to Table 7

Delegation of Licensing Act 2003 responsibilities

Matter to be dealt with	(1) Full Committee	(2) Sub-Committee	(3) Officers
Application for Personal Licence		If a Police objection is made	If no objection made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated Premises Supervisor		If a Police objection is made	All other cases
Request to be removed as designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a Police objection is made	All other cases
Application for interim authorities		If a Police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious, etc.			All cases, in consultation with the Chair or Vice Chair of the Statutory Licensing Committee
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	

Appendix 2 to Table 7 Gambling Act 2005 Scheme of Delegations

Gambling Act 2005	Functions	Delegation
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
	Determination of application for Premises Licence where no relevant representations received	Officers
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Officers in consultation with Chair or Vice-Chair at the Licensing Committee
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
	Determination of application to vary Premises Licence in respect of which no representation received	Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn)	Licensing Sub-Committee
	Determination of application for transfer of Premises Licence where no representations received	Officers
Section 193	Revocation of Premises Licence for failure to pay annual fee	Officers
Section 194	Determination that a Premises Licence has lapsed	Officers
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
	Reinstatement of lapsed Premises Licence where no representation is received	Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Section 200	Initiation of review of Premises Licence	Officers
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee

Gambling Act 2005	Functions	Delegation
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)
Schedule 10 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
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
	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

Appendix 3 to Table 7 Hackney Carriage and Private Hire Licensing

Matters to be dealt with	Full Committee	Sub-Committee	Officers
Application for a Drivers Licence where there are no concerns over their fitness and propriety			X
Application for a Drivers Licence where doubts on fitness and propriety are minor traffic offences			X
Application for a Drivers Licence where there is a lapse of time or circumstances for convictions fall outside of the Policy		X	
Application for a Drivers Licence where there is any other doubt on suitability		X	
Revocation of Driver or Operator Licence		X	
Revocation of Vehicle Licence			X
Suspension of Licences			X

Table 8 - Delegations to the Corporate Director of Resources

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above the Corporate Director of Resources is authorised to discharge any function of the Executive in relation to:

- The proper administration of the Council's financial affairs
- The provision of Legal and Democratic Services to the Council
- HR and Employee Services
- Digital Services
- Coroners
- Land charges
- The Registration of Births, Deaths and Marriages
- Transactional and Customer Services
- Information Management and Governance
- Pensions
- Procurement, Sales and Business Services

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 authorise the termination of employment of staff by reason of early retirement with voluntary redundancy where there is a cost to the Council associated with the early release of pension benefits. This will be in consultation with the Cabinet Portfolio Member for Corporate Resources and Rural Issues.
2. To determine the early release of pension benefits on compassionate grounds, in consultation with the Cabinet Portfolio Member for Social Inclusion, having regard to any representations received from Opposition Group Leaders

Transactional and Customer Services

3. To establish an appropriate Debt Management Strategy and Policy and to implement appropriate action to ensure the collection of revenue, council tax and business rates, including for the use of Enforcement Agents where appropriate.

4. The administration of housing benefit, the administration of the Local Council Tax Support Scheme, the administration of applications and awards in relation to Discretionary Housing Payments and the Council's Welfare Assistance Scheme.
5. The policy development and administration of Government funded financial support schemes.
6. The review and adoption of the Council's Discretionary Housing Payments Policy.
7. The review and adoption of the Council's Welfare Assistance Scheme Policy.
8. The review and adoption of the Council's Residential Care Charging Policy, in line with legislation, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payments, including:
 - (a) To waive or reduce charges for care services in individual cases.
 - (b) To disregard the value of a property in a financial assessment.
9. The review and adoption of the Council's Non-Residential Care Charging Policy, in line with legislation, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payments Arrangements, including:
 - (a) To waive or reduce charges for care services in individual cases.
 - (b) To disregard the value of a property in a financial assessment.
10. The provision of a Welfare Rights Service and the commissioning of Advice Services, including working with and supporting the Advice in County Durham Partnership.
11. To apply to the Court of Protection for Deputyship or single orders related to finance and property and to act as dually appointed Financial Appointee or Deputee for those individuals who lack mental capacity and are subject to such orders.
12. Completion of statutory submissions to Government of the council tax and business rates returns.
13. To establish and amend/update the Council Tax Exemption for Care Leavers Policy and to administer applications under this policy.
14. To establish and amend/update the Council's Discretionary Rate Relief Policies and to administer applications under these schemes.

15. To establish and amend the Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.
16. The operation and development of the systems supporting payments and financial support
17. Agreement of remedies to customers in line with the Council's Corporate Complaints Policy

Corporate Finance and Commercial Services

18. To exercise MTFP, annual budget setting, budgetary control and final accounts functions referred to the Corporate Director under the Council's Financial Procedure Rules.
19. To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
20. To make appropriate banking arrangements on behalf of the Council.
21. The operation and development of the Council's financial systems.
22. The operation of the Council's accounting systems.
23. To authorise the release of funds from contingencies as set out in the Revenue Budget and to forecast and to manage the Council's Collection Funds, making adjustments to payments to principal precepting bodies as appropriate.
24. To establish such reserves as required and review them for both adequacy and purpose on a regular basis.
25. To act as Proper Officer for the purposes of the following provisions of the Local Government Act 1972:
 - (a) Section 115(2) (Accountability of Officers);
 - (b) Section 146 (Transfer of Securities on Alteration of Area Etc.)
26. To write off debts.
27. To deal with the payment of Coroner's remuneration.
28. To ensure appropriate financial arrangements across the Council.
29. To agree the terms of loans permitted under law.
30. To make a statutory declaration of local authority mortgage interest.

31. To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.
32. To liaise with the Schools Forum on School Funding formula allocations and to advise Council on formula changes to ensure compliance with Department for Education guidance and regulations and the proper administration of Dedicated Schools Grant (DSG) allocations, including making applications to the Secretary of State for Education as appropriate for any necessary transfer of funding between the DSG funding blocks.
33. To ensure appropriate arrangements are in place in respect of the effective administration of pooled DCC and NHS monies included within the Durham Better Care Fund and associated integrated budgets.

Pensions

34. In relation to the Pension Fund, to exercise the County Council's function as administering authority relating to the Local Government Pension Scheme including, but not restricted to, the following:
 - (a) To ensure that Pension Fund complies with the Local Government Pension Scheme Regulations and all other legislation that governs the administration of the Pension Fund.
 - (b) To exercise discretions the Council as administering authority has, under the regulations governing the Local Government Pension;
 - (c) To administer the financial affairs of the Pension Fund;
 - (d) To agree the write-off of bad debts;
 - (e) To take any decision relating to the investment or management of the Pension Fund that cannot reasonably await the next meeting of the Pension Fund Committee.
 - (f) To authorise, in cases of urgency, the taking of any action by a Manager of the Pension Fund that is necessary in order to protect the interests of the Fund.
 - (g) To maintain all necessary accounts and records in relation to the Pension Fund, including the preparation of the Annual Accounts;
 - (h) To ensure that appropriate arrangements for the administration of benefits are in place, including the calculation of and payment of benefits, and collection of contributions;

- (i) To manage the triennial valuation of the Pension Fund including the preparation of membership data for actuarial valuation purposes.
- (j) To ensure appropriate Additional Voluntary Contribution arrangements are in place;
- (k) To exercise the Pension Fund's discretion over the beneficiary of any death grant payable.
- (l) To approve the payment of Dependants' Pensions in accordance with the Local Government Pension Scheme Regulations.
- (m) To maintain the system of internal control.
- (n) To accept for admission into the Pension Fund authorities and bodies, and their employees, in accordance with Local Government Pension Scheme Regulations.
- (o) To deal with stage 2 appeals under the dispute procedure for the Local Government Pension Scheme.
- (p) To set the appropriate investment objectives and the strategic asset allocation taking into consideration the Pension Fund's liabilities as calculated by the Pension Fund's Actuary;
- (q) To monitor and review the investments made by the Fund's appointed investment managers and to review their performance against established benchmarks. To report on the Investment Managers' performance to each meeting of the Pension Fund Committee;
- (r) To manage the Pension Fund's cash flow and allocate funds between investment managers in order to ensure that the Pension Fund's strategic asset allocation is maintained and invest the residual cash balances.
- (s) To manage the cash balances not allocated to Investment Managers in accordance with the Treasury Management Strategy and Policy approved by the Pension Fund Committee;
- (t) To arrange and authorise the provision of appropriate Member training, including the attendance at conferences and other similar pension fund related events by Members of the Pension Fund Committee and the Local Pension Board.
- (u) To prepare and submit the necessary Policy Statements to Pension Fund Committee and to arrange for the implementation and review of those statements, strategies, policies and procedures, as required. These include the Funding Strategy Statement

- (v) To prepare and submit the necessary plans and principles to the Pension Fund Committee and to arrange for the implementation and review of those plans and principles, as required. These include the Pension Fund Annual Report and the Investment Strategy Statement.
- (w) To review the Fund's approach to responsible investment and policy on social, environmental and ethical matters on the exercise of rights, including voting rights;
- (x) To produce as part of the Funding Strategy Statement, an assessment of identified risks in relation to the management of the Pension Fund.
- (y) To authorise sending instructions to and completing contracts, deeds or agreements with Border to Coast Pensions Partnership Limited to facilitate transition of assets to and management of collective investment vehicles and alternative investments within the Border to Coast pooled arrangements.
- (z) To monitor and review the investments made by Border to Coast Pensions Partnership Limited under pooled arrangements and to review performance against established benchmarks. To report on relevant investment performance of Border to Coast to each meeting of the Pension Fund Committee.
- (aa) To provide quarterly reporting to the Local Pension Board in line with the Board's Terms of Reference in order to assist the Board in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and the effective and efficient governance and administration of the Scheme.

HR and Employee Services

- 35. To implement the Council's decisions in relation to Single Status and Job Evaluation.
- 36. To approve the regrading of posts up to and including Head of Service level.
- 37. To seek to offer alternative employment to any permanent employee who becomes surplus to the requirements of the Service or whose employment is at risk through reasons of ill health or other incapacity.
- 38. To determine applications for the extension of sick pay.
- 39. To approve applications for leave of absence in cases not covered by the Council's policies.

40. To agree variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees.
41. To approve overtime payments for employees above Grade 8.
42. To authorise redundancy payments to school staff after consultation with the Head of Corporate Finance and Commercial Services.
43. To decide, taking into account the opinion of an independent registered medical practitioner, whether under the Local Government Pension Scheme Regulations, a member is eligible for an ill health pension and if eligible, what level of ill health pension the scheme member should be awarded.
44. To exercise discretions the Council as an employer has, under the regulations governing the Local Government Pension.
45. To negotiate and agree local agreements changing staff terms and conditions of employment.
46. To formulate and implement policies relating to employed staff.
47. The operation and development of HR and Payroll systems.

Procurement Sales and Business Services

48. To exercise the contractual approval functions referred to the Corporate Director under the Council's Contract Procedure Rules.
49. To ensure appropriate contractual arrangements across the Council in relation to the receiving of goods, works and services.
50. To ensure appropriate procurement arrangements are in place in respect of pooled DCC and NHS (or other Partner(s) or Bodies) monies held by DCC on behalf of those named bodies or partners.
51. Approve variations as set out in the Contract Procedure Rules or elsewhere in this Constitution.
52. Authorise the collection of income from commercial activities.
53. Authorise the use of professional services via the approved neutral vendor model delivery strategy

Internal Audit, Fraud, Risk and Governance

54. To maintain an effective internal audit service.

55. To act as lead officer for the Audit Committee.
56. To maintain an effective corporate fraud service.
57. To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
58. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement.

Digital Services

59. Taking all operational decisions necessary to secure the provision of digital and ICT services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules including, but not restricted to the following:
 - (a) Maintenance and review of an appropriate IT and Digital Service, including a council-wide strategy and support for all business systems.
 - (b) Development, maintenance, and assurance of all internal and external IT solutions/systems.
 - (c) Management of the Council's resources and assets, systems, digital and information technology and maintenance and ongoing delivery of Operational ICT.
 - (d) The governance/assurance of technical delivery and strategy pertaining to Cyber Security, Smart Place and Digital Place agendas, including Digital Inclusion.
 - (e) Maintain the delivery of Change Services; Solution Architecture & Design ensuring the ongoing delivery of Digital Services to citizens, the council, and communities.

Legal and Democratic Services

The following matters are delegated to the Head of Legal and Democratic Services:

60. To act as Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Corporate Director of Resources in connection with the administration of the Council's financial affairs. This delegation shall not derogate from the general delegation under Table 1 paragraph 8.

61. To carry out the Proper Officer functions relating to the freedom of the City under the Durham City Council Act 1985.
62. To act as Proper Officer for the Registration of Births, Deaths and Marriages Service pursuant to Schedule 29 paragraph 41 of the Local Government Act 1972 including administration of the arrangements for the licensing of premises under the Marriage Act and the appointment of staff.
63. To approve premises for the solemnization of marriages and the registration of civil partnerships
64. To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.
 - (a) To prepare, negotiate and agree all legal documentation in relation to all land and property in the Council's ownership or for the acquisition of land and property by the Council.
 - (b) To prepare, negotiate and agree all legal documentation other than those contained in sub-paragraph (a) relating to or affecting the functions of the Council.
 - (c) To sign or attest the Council's seal in all legal documents referred to in sub-paragraphs (a) and (b) and all other legal documentation intended to give effect to decisions of the Council.
 - (d) To sign or attest the Council's seal to all documents referred to in sub-paragraph (a).
65. To prepare, negotiate and agree all legal documentation in relation to all land and property held by the Council as a trustee.
66. To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings.
67. Generally, to institute, defend and conduct any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council.
68. To commission external legal advice as required.
69. To authorise named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.
70. To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 will be subject to prior consultation first with the Corporate Director of Resources as s151 Officer and then with the Leader or Deputy Leader of the

Council except in cases of urgency where the settlement is made on the advice of Counsel.

71. To settle claims from staff for damage to personal property in accordance with the Council's policies.
72. In consultation with the Chair of the Corporate Overview and Scrutiny Management Board, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).
73. To:
 - i. appoint Members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder and
 - ii. undertake the role of company secretary in any company for which the Council provides secretarial or administrative services.
74. In consultation with the Chief Executive, to make appointments of Members to local and other outside bodies which are not the subject of report to the Council or the Executive, in consultation with the respective political group leaders.
75. To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.
76. To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.
77. To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).
78. To make arrangements pursuant to Section 95(2) of the Schools Standards and Framework Act 1998 (Children to whom Section 87 applies; Appeals by Governing Bodies).
79. In consultation with the Corporate Director for Neighbourhoods and Climate Change and the Chair and Vice-Chair of the Statutory Licensing Committee or General Licensing and Registration Committee as appropriate, to determine that a particular application shall be considered by the Statutory Licensing Committee or the General Licensing and Registration Committee rather than a Sub-Committee.
80. To consider and respond to representations made by members of the public in relation to a decision to hold a meeting or part of that meeting in private.
81. To discharge the Council's functions in relation to voluntary registrations of village greens as set out in section 15(8) Commons Act 2006.

82. To discharge the Council's functions set out in Part 1 of the Commons Act 2006 and the Commons Registration Act 1965 with the exception of determinations under section 15(1) of the Commons Act 2006.
83. To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.
84. To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009
85. To deal with the payment of Coroner's expenses.
86. To discharge the Council's functions in relation to Local Land Charges.
87. To oversee the management of the Council's Overview and Scrutiny functions.
88. To coordinate the Member Training and Development Programme including:
 - i. management of the approved Member Training and Development Budget; and
 - ii. authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader.
89. In consultation with the Chair of the Standards Committee, to approve any temporary appointment of an independent person to discharge the functions set out in section 28(7) of the Localism Act 2011 where the position is vacant or an existing appointee is unable to act.
90. To approve officer severance payments of less than £20,000.
91. To authorise expenditure within the approved budget for civic hospitality.

Table 9 - Delegations for Major Programmes

In addition to the delegations granted in this part of the Constitution, Chief Officers are authorised from time to time to carry out functions relating to specific projects in collaboration with various Cabinet Portfolio Members. The delegations to the Chief Officers are contained in the relevant Cabinet reports relating to the projects.