

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.
- Safer Communities including Local Multi Agency Problem Solving groups (LMAPS).
- 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
- Parks and Countryside
- Partnership Co-ordination and support for the County Durham Partnership
- Pest Control
- Private Sector Housing regulation
- Public Health Protection and infectious disease outbreak control
- Public Rights of Way
- Refuse and Recycling including Waste Transfer Stations
- Special Criminal Investigations including tobacco control

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- 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 the Council's enforcement functions including, where appropriate, 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.

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

9. 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 deposition of building materials on the public highway, excavations and openings in the highway, vaults and cellars, street works and permits;
 - (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;
10. 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.
11. To authorise suitably qualified and competent staff within Highways 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 Highways.
12. To exercise the Council's enforcement functions, including, where appropriate, the institution of legal proceedings, under all legislation relevant to the role of Head of Highways.
13. 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 Highways.

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14. To exercise the functions of land drainage and Lead Local Flood Authority.

15. 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:

45-16. 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).

46-17. 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.

47-18. To plan and deliver 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:

48-19. 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;

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- (s) Smoke-free premises and vehicles;
- (t) Caravan and camping sites and moveable dwellings

19-20. 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.

20-21. To exercise the Council's licensing, approval, registration and enforcement functions, including, where appropriate, 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.

21-22. 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.

22-23. 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.

23-24. To authorise suitably qualified and competent staff within the Community Protection Service and other persons acting on behalf of the Council, for the purposes of discharging duties and powers relating to the Executive Functions in paragraph 1 of Table 7 and under legislation falling within the role of Head of Community Protection.

24-25. 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.

25-26. To grant authorisations in relation to illegal money lending and unfair trading practices.

26-27. To agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.

27-28. 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.

29. To appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.

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30. The management of 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
- Any other relevant statute or government guidance relating to private sector housing.

31. To exercise the Council's regulatory functions in relation to the regulation of private sector housing, including:

- a. To exercise the Council's enforcement powers under the legislation relating to private sector housing;
- b. Licensing of Houses in Multiple Occupation;
- c. To exercise 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.

28-32. Act under and in respect of Sections 59-63, 76, 79 Building Act 1984.

29-33. 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.

30-34. 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.

35. To agree terms of conditions and licences in accordance with published best practice and/or guidance.

31-36. Determine suitability of a person to carry on business as a scrap metal dealer and to revoke existing licences and impose licence conditions in accordance with the Scrap Metal Dealers Act 2013, as appropriate.

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	
<u>Determination of a temporary event notice following receipt of an objection notice.</u>		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
Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee

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Gambling Act 2005	Functions	Delegation
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
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

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Gambling Act 2005	Functions	Delegation
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
	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	Determination of application for Prize Gaming Permit and application for renewal of Permit	Officers (Refusal only in consultation)

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Gambling Act 2005	Functions	Delegation
Paragraphs 9 and 18		with Chair or Vice-Chair of Licensing Committee)
Schedule 14 Paragraph 15	Determination that Prize Gaming Permit has lapsed	Officers

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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	
<u>Revocation of Drivers Licence where there is imminent jeopardy to public safety</u>			<u>X</u> <u>In consultation with the Chair/Vice Chair of the General Licensing and Registration Committee</u>
Revocation of Vehicle Licence			X
Suspension of Licences			X