

# Part 8

## Delegations to Officers

### 1. Head of Paid Service Delegations

In the absence of the Head of Paid Service these delegated powers may be exercised by the Executive Director of Resources or Executive Director of Business Operations.

#### Corporate Management Matters

- 1.1 For the purposes of the provisions of the Local Government and Housing Act 1989
  - (a) to act as Proper Officer (Sections 2 and 19);
  - (b) to be designated Head of the Authority's Paid Service (Section 4); and
  - (c) to settle the list of politically restricted posts, to agree any modifications from time to time of the list, whether by the addition to or the exclusion from the list of posts and to give a certificate of opinion in relation to any post.
- 1.2 To submit planning applications and building regulation applications on behalf of the Council. (S26/7/82)
- 1.3 Acting as Returning Officer, to determine election arrangements as circumstances require.
- 1.4 To arrange Councillors' attendance on Emergency Planning training courses.
- 1.5 To authorise payments of up to £1000 in relation to the provisions of Section 92 of the Local Government Act 2000. (A report must be made to the next available Standards Committee following the exercise of this delegation). (D25/12/02).
- 1.6 To act as a Designated Authorising Officer for the purposes of granting and removing authorisations for covert surveillance under the Regulations of Investigatory Powers Act 2000 (RIPA).

#### Staffing Matters

- 1.7 Acting jointly with the Executive Director of Resources and Service Manager - Finance and Welfare:-
  - (a) To grant accelerated increments to staff in circumstances provided for in the National and Local Scheme of Conditions of service, within the approved estimates.
  - (b) To approve within the approved estimates the appointment of temporary staff extra to the establishment.

- (c) Provided there are the necessary funds available by way of underspending in salaries, to agree upon and arrange payment of honoraria as provided for in Paragraph 35(a) of the Scheme of Conditions of Service and Paragraph 35(b) where a clearly defined and agreed apportionment of a Paragraph 35(a) definition and calculation can be demonstrated.
  - (d) To approve payments to staff under the Council's employee rewards scheme.
- 1.8 To authorise the filling of all vacancies within the approved establishment below the level of Directors.
  - 1.9 To amend and alter the establishment as may be necessary from time to time by deletion or addition subject to any changes being contained within the overall budgetary provision.
  - 1.10 To authorise overtime payments within the budgeted expenditure. (S98/5/89)
  - 1.11 To determine those posts for which an authorised car user allowance is appropriate.
  - 1.12 To appoint existing staff as inspectors under Section 12 of the Social Security Administration (Fraud) Act 1997.
  - 1.13 To appoint authorised officers under Section 48 to 52 of the Anti-Social Behaviour Act 2003: Graffiti (fly posting) removal notices.

### **Officer Appointments and authorisations etc**

- 1.14 To appoint and authorise such officers as he considers appropriate to deal with applications, serve Notices (including fixed penalty notices) and apply for warrants etc on behalf of the Council and to be empowered to enter premises (including land) in the course of their duties under legislation enforced by the District Council.
- 1.15 To appoint such doctors designated by the Health Protection Authority as 'Proper Officers' for the purposes of communicable disease control (E12/6/96).

### **Financial Matters**

- 1.16 To act as Proper Officer for the purposes of Section 116 of the Local Government Finance Act 1988.
- 1.17 The Head of Paid Service and the Service Manager - Finance and Welfare (acting severally) to appoint proxies to attend Creditors meetings arising out of the Companies Act 1985 or any amending or supervening legislation.
- 1.18 In consultation with the Service Manager – Finance and Welfare, to serve notices requiring the repayment of any mortgage advance and interests or any other form of loan, subject to a report on action taken being submitted to Cabinet.

- 1.19 Acting jointly with the Service Manager - Finance and Welfare to approve the Council acting as a Lead Organisation for Partnership sponsored projects, where it is deemed appropriate.
- 1.20 To authorise entry by the Council into any contract or agreement for the provision of goods or services or for the execution of works, where the cost has been budgeted for; it conforms with the requirements of the Council's Financial Procedure Rules and does not exceed the relevant EU Procurement threshold for the time being.

### **Legal Matters**

- 1.21 To defend any appeal or other proceedings against the Council consequent upon any action taken or not taken by the Council, any notice served etc and in the case of claims for compensation in respect of which the Council is insured, to authorise its Insurers to defend such claims on its behalf.
- 1.22 To appoint existing staff to represent the Council before the Magistrates' Court, under Section 233 of the Local Government Act 1972 in relation to applications for Liability Orders in respect of Non payment of Council Tax and National Non-Domestic Rates and matters relating to Committal proceedings.

### **Land and Property Matters**

- 1.23 In the case of applications for the purchase of the freehold reversion in properties in Rye held on long leases situate in any street or road where the Council has previously sold such an interest, the Head of Paid Service in consultation with the Service Manager - Finance and Welfare is empowered to act in the name of the Council in determining such applications and the terms upon which such interest shall be sold.

### **Injunctions**

- 1.24 To obtain injunctions under the provisions of Section 222 of the Local Government Act 1972, whenever the peace and quiet of residents in the Council's area is under threat.

## 2. Executive Director of Resources Delegations

In the absence of the Executive Director of Resources these delegated powers may be exercised by the Head of Paid Service or Executive Director of Business Operations.

### Staffing Matters

- 2.1 To implement national awards on salaries, wages, allowances and any other revisions in the national conditions of service involving the payment of money, subject to report to the Licensing and General Purposes Committee.
- 2.2 To apply local awards as above to employees who are not paid in accordance with nationally negotiated rates of pay.
- 2.3 To approve loans to authorised car users in accordance with the assisted car purchase scheme in force from time to time.
- 2.4 Acting jointly with the Head of Paid Service and Service Manager - Corporate and Human Resources:
  - (a) To grant accelerated increments to staff in circumstances provided for in the National and Local Scheme of Conditions of service, within the approved estimates.
  - (b) To approve within the approved estimates the appointment of temporary staff extra to the establishment.
  - (c) Provided there are the necessary funds available by way of underspending in salaries, to agree upon and arrange payment of honoraria as provided for in Paragraph 35(a) of the Scheme of Conditions of Service and Paragraph 35(b) where a clearly defined and agreed apportionment of a Paragraph 35(a) definition and calculation can be demonstrated.
  - (d) To approve payments to staff under the Council's employee rewards scheme.
- 2.5 To authorise overtime payments within the budgeted expenditure. (S98/5/89)
- 2.6 To act as a Designated Authorising Officer for the purposes of granting and removing authorisations for covert surveillance under the Regulations of Investigatory Powers Act 2000 (RIPA).

## **Land and Property Matters**

- 2.7 To examine offers of property to the Council and requests to purchase property from the Council and to reject such offers and requests.
- 2.8 To give consent or otherwise to requests for the assignment or sub-letting of leases.
- 2.9 To deal with requests for the Council's consent required under the terms of leases granted by the Council. (P93/10/91)
- 2.10 To grant wayleaves and easements over Council land.
- 2.11 To grant leases of land to statutory undertakers required for the discharge of their statutory powers, and power to accept surrender of leases so granted.
- 2.12 To renew leases of allotment land to Parish Councils on such terms and conditions as he may determine. (H20/5/94)
- 2.13 To sign, together with the Solicitor to the Council, certificates of title (form RB1 and RB2) pursuant to subsections (2) and (3) of Section 154 of the Housing Act 1985.
- 2.14 To authorise the Council's seal to be affixed to the discharge or variation of any mortgage under the Council's Housing Advances Scheme.
- 2.15 To authorise, following consultation with the Chairman of the Council, the free use of the Council Chamber or Committee Room at the Town Hall, Bexhill for public meetings sponsored by a Member of the Council on matters relating to the responsibility of the District Council and not related to a political party or commercially sponsored issue.
- 2.16 To approve renewals of leases, tenancies, licences to occupy land (including buildings) or any other lettings of the Council's land.
- 2.17 To initiate and approve rent / licence fee reviews and authorise the Solicitor to the Council to prepare all necessary legal documentation and execute it (including affixing the Council's Common Seal).

## **Agricultural Tenancies & rent**

- 2.18 To determine the level of rents charged under, and other terms for, agricultural tenancies on Council-owned land.

## **Financial Matters**

- 2.19 To set and vary the fees, in consultation with the Service Manager - Finance and Welfare , for answering Official Searches of the Local Land Charges Register and the accompanying enquiries having regard to inflation and the fees of adjacent local authorities.
- 2.20 To authorise entry by the Council into any contract or agreement for the provision of goods or services or for the execution of works, where the cost

has been budgeted for; it conforms with the requirements of the Council's Financial Procedure Rules and does not exceed the relevant EU Procurement threshold for the time being.

- 2.21 To authorise new deposit takers or suspend existing deposit takers in agreement with the Council's treasury management advisers.

### **Non-Domestic Rate Relief**

- 2.22 The Executive Director of Resources or Service Manager - Finance and Welfare be authorised to deal with all applications for relief from Non-Domestic Rates in accordance with the criteria as approved (or as may be amended from time to time) by the Licensing and General Purposes Committee, with effect from 1 April 2007.

### **Timetable of Formal Council Meetings**

- 2.23 To approve the annual timetable of formal Council meetings in consultation with officers, the Leader of the Council and the Committee Chairmen.

## **2.1 Service Manager - Finance and Welfare Delegations**

In the absence of the nominated officers delegated power may be exercised by the Executive Director of Resources or such officer as the Head of Paid Service may nominate.

### **Corporate Management Matters**

2.1.1 To be the Officer responsible for the proper administration of the Council's financial affairs in accordance with:

- Section 151 of the Local Government Act 1972
- Section 26 and Section 114 of the Local Government Finance Act 1988
- the Local Government and Housing Act 1989
- the Accounts and Audit Regulations 2003

Delegations to the Executive Director of Resources are included in Financial Regulations and Standing Orders relating to contracts in order to assist him / her to discharge these responsibilities. The Executive Director of Resources has also been appointed by the Council as the Community Charge Registration Officer.

### **Financial Matters**

#### **General**

2.1.2 With the approval of the Head of Paid Service, to roll forward amounts between financial years where the appropriate Portfolio and Council budget is not overspent.

2.1.3 To approve annual contributions to and from scheduled provisions and reserves, including for the replacement of plant and equipment, subject to there being sufficient funds available to meet the expenditure.

2.1.4 To reject applications for community project grants, if they do not comply with the adopted guidelines, subject to the subsequent reporting of all applications rejected to Cabinet.

2.1.5 To arrange as considered by the Executive Director of Resources appropriate, for the renewal of the Council's insurance policies and to enter into the necessary contracts in connection therewith.

2.1.6 To maintain an adequate and effective Internal Audit Service under the Accounts and Audit Regulations 2003.

2.1.7 To adjust the Council's fees and charges when necessary, to take into account any increased costs and taxation.

## **Treasury Management, Loans and Investments**

- 2.1.8 To take all necessary action to carry into effect the Council's decisions to borrow money for a purpose for which there is a statutory power to borrow.
- 2.1.9 To lend surplus monies to local authorities and other bodies which he / she considers will secure the best financial advantage for the Council within the list of deposit takers approved by Cabinet.
- 2.1.10 In conjunction with the Head of Paid Service, to deal with the consideration and granting of loans under the Fire Precautions Act 1971 and the Fire Precautions (Loans) Act 1973 and to take all necessary action deriving there from.
- 2.1.11 To employ independent valuers for the purpose of valuing properties and work in connection with housing advances and maturity mortgages.

## **Local Taxes, Benefits and Grants**

- 2.1.12 To exercise discretionary powers relating to Council Tax Benefit contained in the Social Security Contributions and Benefits Act 1992.
- 2.1.13 To apply for liability orders and warrants of arrest from the Magistrate's Court where this will protect the Council's position in the event of default of Non-Domestic Ratepayers and Council Tax payers.
- 2.1.14 To pay grants under Sections 521 and 522 of the Housing Act 1985 as amended by the Housing Act 1988 and Local Government & Housing Act 1989 as and when necessary up to the limit of government funds available.
- 2.1.15 To exercise the various discretionary powers relating to Housing Benefits contained within any regulations issued under the Social Security Act 1986, as amended by the Social Security (consequential provisions) Act 1992, any amendments thereto and all subsequent relevant legislation. (F11/12/91).
- 2.1.16 To consider requests from private sector tenants for Discretionary Housing payments.
- 2.1.17 Carry out investigations into suspected fraudulent claims for benefits under the Social Security Administration Act 1992, as amended by the Social Security Administration (Fraud) Act 1997.



## 2.2 Service Manager - Corporate and Human Resources Delegations

In the absence of the nominated officers delegated power may be exercised by the Executive Director of Resources or such officer as the Head of Paid Service may nominate.

- 2.2.1 To act as a Designated Authorising Officer for the purposes of granting and removing authorisations for covert surveillance under the Regulations of Investigatory Powers Act 2000 (RIPA).
- 2.2.2 To be designated as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 2.2.3 After consultation with the Leaders of the Political Groups to:
  - (a) calculate the total of seats on the Committees of the Council and the proportion that each political group forms of the total membership of the Council;
  - (b) to apply those proportions to the total number of Committee seats to give the aggregate entitlement of each group;
  - (c) apply those proportions to the number of seats on each Committee; and
  - (d) take any such further steps as may be necessary in order to give effect to the political balance requirements of the 1989 Act and the Regulations made thereunder.

### Member Complaints

- 2.2.4 In accordance with the approved arrangements for dealing with Member complaints, to make the initial decision on whether complaints should be investigated, consulting one of the Independent Persons as necessary.
- 2.2.5 In respect of District Councillors, to consider and agree, where appropriate, dispensations from the restriction on speaking and/or voting when any matter in which that person has a disclosable pecuniary interest is to be considered at a meeting of the Council or any of its committees, sub-committees, joint committees or joint sub-committees.

### Licensing Matters

- 2.2.6 To appoint Members from the Licensing and General Purposes Committee to sit on either Licensing or Taxi Panels as may be required from time to time to ensure that the Panel is quorate.

## **Solicitor to the Council**

### **Land and Property Matters**

- 2.2.7 To adjust rents for the Wish Street Depot Garages in line with increases in the Retail Prices Index.
- 2.2.8 To adjust the rents of residential properties annually in line with increases in the Retail Prices Index.
- 2.2.9 To enter into agreements for the maintenance of Council-owned equipment.
- 2.2.10 To agree tenancies or licences for 364-day periods of land acquired by the Council in advance of requirements not immediately needed for development.
- 2.2.11 To renew on such terms as he shall approve tenancies or licences for 364-day periods of housing land not immediately required for development.
- 2.2.12 To serve and accept service of all notices (including Notices to Quit) under Part II of the Landlord and Tenant Act 1954 (relating to business tenancies) and to institute proceedings under the Law of Property Act 1954 not applying to any particular lease.
- 2.2.13 To select tenants and take all necessary action for the letting of the Light Industrial Units at Beeching Road, Bexhill-on-Sea, on terms and conditions to his / her satisfaction. (P50/10/89).
- 2.2.14 To take all necessary action for the letting at market rents of the Workshop Units at Peasmarsh on such terms and conditions as he / she considers appropriate, in consultation as necessary with English Estates. (P109/4/91).
- 2.2.15 To take all necessary action for the letting of the Udimore School Units on the basis of the terms and conditions approved together with any conditions which he / she deems to be necessary. (P102/3/86).
- 2.2.16 To take steps as necessary, including legal action or proceedings, to secure removal of unauthorised persons and property from the Council's land (or from land which is managed by it or to which it is otherwise entitled to possession) and to take such steps to prevent trespassers or unauthorised persons from entering or re-entering such land.
- 2.2.17 To engage the services of the District Valuer and or a private surveyor/valuer, as required.
- 2.2.18 In consultation with the Executive Director of Business Operations, to deal with requests from frontagers to construct boat ramps onto the sea wall, west of Richmond Road, Bexhill.
- 2.2.19 To review periodically, and determine in consultation with the Service Manager - Finance and Welfare, the licence fee for the use of two hard

surfaced tennis courts and changing room at Egerton Park by Bexhill Lawn Tennis Club. (R111/4/88).

2.2.20 To serve statutory notices on agricultural tenants under Section 12 of the Agricultural Holdings Act 1986. (R42/7/90).

2.2.21 To employ (in consultation with the Head of Paid Service) a private valuer in connection with negotiations where the other party is represented by the District Valuer.

### **Party Wall Act 1996**

2.2.22 To be designated as the Appointing Officer for the purposes of the Party Wall Act 1996. (E37/9/98).

### **Corporate Management Matters**

2.2.23 In the alternative to the Head of Paid Service to exercise all powers delegated to the Head of Paid Service relating to the institution of legal proceedings and, in particular, to sign appropriate documentation to commence any proceedings in the Magistrate's Court which have been authorised by the Council or any of its Committees or by another officer acting under delegated authority.

2.2.24 To institute proceedings in respect of the infringement of Byelaws.

### **Housing Matters**

2.2.25 To institute criminal proceedings against persons responsible for offences under the Landlord and Tenant Act, 1985 and the Protection from Eviction Act, 1977.

2.2.26 To comply with any future exercise of the Right to Buy / Acquire a leasehold property vested in a Housing Association or other Registered Social Landlord where the freehold is vested in the Council at a valuation to the satisfaction of the Head of Paid Service and for the Common Seal to be affixed to all necessary documentation.

### **Planning Matters**

2.2.27 To withdraw any planning enforcement notice in order to correct any clerical or other defect or informality by re-serving the notice in the correct form or manner in accordance with the authorisation therefore.

### **Financial Matters**

2.2.28 To institute proceedings for the recovery of rent arrears incurred by former and existing tenants of the Council upon request to do so by the Executive Director of Resources or the Executive Director of Business Operations respectively.

2.2.29 To institute proceedings in the County Court whenever appropriate, to recover the Council's losses arising from accidental damage to the Council's property.

- 2.2.30 In consultation with the Executive Director of Resources to institute proceedings for the recovery of outstanding debts, where no other delegated authority exists.
- 2.2.31 In conjunction with the Executive Director of Resources, to prosecute cases under Section 111A and 112 of the Social Security Administration Act 1992 subject to satisfactory evidence being obtained. (P49/8/93).
- 2.2.32 To institute proceedings for non-compliance with Off-Street Parking Places Orders relating to payment of parking charges.

### **Pollution Matters**

- 2.2.33 To take proceedings in the High Court, in consultation with the Executive Director of Business Operations, under the provisions of Section 58(8) of the Control of Pollution Act 1974 (E41/10/89).
- 2.2.34 To obtain injunctions under the provisions of Section 222 of the Local Government Act 1972, whenever the peace and quiet of residents in the Council's area is under threat, in order to prevent events taking place in contravention of the Private Places of Entertainment (Licensing) Act 1967.

### **Highway and Transport Matters**

- 2.2.35 To make Public Footpath Diversion Orders under section 257 of the Town and Country Planning Act 1990 in respect of development for which planning permission has been granted by the Council, after consultation with the Chairman of Planning, East Sussex County Council, Statutory Undertakers, the Ward Representative(s), the Parish/Town Council and other representative bodies as appropriate, and to submit the same to the Secretary of State for confirmation or to confirm them on behalf of the Council as unopposed Orders. (P45/8/93).
- 2.2.36 To determine applications for Street Closure Orders under Section 21 of the Town Police Clauses Act 1847 and all other enabling powers subject to consultation with East Sussex County Council, the Police, the Ward Representative(s) and the Parish/Town Council as appropriate.
- 2.2.37 To refuse any applications for the making of a Street Closure Order to facilitate any event where the application is received within 12 weeks of the date of the event.

### **Authority to Prosecute**

- 2.2.38 Authority to prosecute for driving with no insurance under the Road Traffic Act 1988, under Section 222 of the Local Government Act 1972.

## 2.3 Service Manager - Finance and Welfare Delegations

### Housing Service

In the absence of the nominated officers delegated power may be exercised by the Executive Director of Resources or in his/her absence such officer as the Head of Paid Service may nominate.

### Acts, Orders, Strategies & Policies

2.3.1 The following officers have been given the delegated authority to enact the Housing Service Delegated Powers: Service Manager – Finance and Welfare; Private Sector Housing Manager; Housing Policy and Development Manager; Housing Needs Manager; Senior Environmental Health Officer; Environmental Housing Officer; Housing Aid Co-Ordinator; Housing Surveyor; and Housing Needs Officers.

The above officers have delegated authority to:

- a) prosecute, serve any notices, and to be empowered to enter premises or enter on to land in the course of their duties, undertake all works, closing orders, prohibition orders, demolition orders and execute works in default; under any of the Acts set out in the Schedule hereto.
- b) In consultation with the Service Manager - Finance and Welfare, the above officers have delegated authority to: exercise discretion to increase or reduce the level of charges to be levied, where there is not or where there is a financial hardship based on the circumstances of each individual person on whom any notice, order, prosecution or works resulting from actions under any of the Acts set out in the Schedule hereto.
- c) Deal with all matters under Rother District Councils' adopted Housing Aid Policy and all changes to that Policy adopted or made thereafter and under any of the Acts set out in the Schedule hereto.
- d) to exercise discretion to increase or decrease the maximum or minimum amount of grant aid in respect of grants and charges under Rother District Councils' adopted Housing Strategy, Housing Aid Policy and all changes to that Strategy and Policy adopted or made thereafter and under any of the Acts set out in the Schedule hereto. This discretion to increase the maximum amount of grant aid will be subject to match funding from Adult or Children Services in regard to Disabled Facilities Grants (DFGs).
- e) To exercise all the Council's powers, make decisions and takes actions under the Housing Act 1996 as amended by the Homelessness Act 2002, the Children Act 1989, the Children Act 2004, the Vulnerable Groups Act 2006 and all Regulations and Orders made thereafter.
- f) To take all necessary action to secure the use for temporary housing purposes of any hall, building or suitable structure to accommodate persons rendered homeless in an emergency (fire, flood, etc).

- g) In partnership with Legal Services to institute criminal proceedings against persons responsible for offences under the Landlord and Tenant Act, 1985 and the Protection from Eviction Act, 1977.
- h) In partnership with Legal Services to comply with any future exercise of the Right to Buy / Acquire a leasehold property vested in a Housing Association or other Registered Social Landlord where the freehold or other interest is vested in the Council at a valuation to the satisfaction of the Head of Paid Service and for the Common Seal to be affixed to all necessary documentation.
- i) In partnership with Legal Services to grant a licence for a period of 12 months to the Embassy of The United Arab Emirates upon receipt of its application, permitting a number of persons to sleep in suitable accommodation in excess of the number normally permitted, at the former Prison Site, Northeye, Bexhill-on-Sea, all in accordance with the Housing Act 1985, Section 330.
- j) The above officers have delegated authority in partnership with Legal Services to: renew the licence annually, subject to inspection of the premises and there being no changes to the agreed terms of the licence.

## **Miscellaneous**

2.3.2 Safeguarding Children - The Service Manager - Finance and Welfare has the delegated authority and is the named officer for Safeguarding Children for Rother District Council under the Children Act 2004. In the absence of the Service Manager - Finance and Welfare the Housing Policy and Development Manager; Housing Needs Manager and Private Sector Housing Manager are delegated to have this authority.

2.3.3 Supporting People - Following consultation with the Cabinet Portfolio Holder for Housing, the Service Manager - Finance and Welfare, the Private Sector Housing Manager, the Housing Policy and Development Manager are delegated the power to act as spokesperson and decision maker for the commissioning and de-commissioning of housing-related support services across the county on behalf of Rother District Council, as a member of the East Sussex Strategic Forum.

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## **SCHEDULE**

The Vulnerable Groups Act 2006  
Housing Act 2004i  
The Children Act 2004  
Powers of Entry s.239 Housing Act 2004  
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002  
The Homelessness (Suitability of Accommodation) (England) Order 2003 (Housing Act 1996 as amended by the Homelessness Act 2002  
Housing Grants, Construction and Regeneration Act 1996  
Environmental Protection Act 1990  
Local Government & Housing Act 1989  
The Children Act 1989`

Housing Act 1985 as amended by the Housing Act 1988  
Building Act 1984  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government (Miscellaneous Provisions) Act 1976  
Land Compensation Act 1973  
Prevention of Damage by Pests Act 1949  
Housing Act 1959  
Public Health Acts 1936 to 1961  
And all Acts, regulations and orders made thereafter.

## **2.4 Service Manager - Corporate and Human Resources Delegations**

In the absence of the nominated officers delegated power may be exercised by the Executive Director of Resources or such officer as the Head of Paid Service may nominate.

- 2.4.1 To approve, within the approved estimates, all expenditure and absences associated with training and qualifications providing that it does not necessitate the appointment of additional staff.
- 2.4.2 To approve applications for interview and relocation expenses in accordance with the Council's scheme.
- 2.4.3 To serve the statutory period of notice to terminate employment on the grounds of permanent ill-health, when advice to that effect has been received from the Council's Medical Adviser.
- 2.4.4 To update and amend all rates associated with Authorised Car User Scheme.
- 2.4.5 To exercise the Council's functions with regard to street naming under Sections 17-19 of the Public Health Act 1925 and sections 64 and 65 of the Towns Improvement Clauses Act 1847 for the purposes of property numbering.



### **3. Executive Director of Business Operations Delegations**

In the absence of the Executive Director of Business Operations these delegated powers may be exercised by the Head of Paid Service or Executive Director of Resources.

#### **Staffing Matters**

- 3.1 Acting jointly with the Head of Paid Service and Service Manager - Corporate and Human Resources:
- (a) To grant accelerated increments to staff in circumstances provided for in the National and Local Scheme of Conditions of service, within the approved estimates.
  - (b) To approve within the approved estimates the appointment of temporary staff extra to the establishment.
  - (c) Provided there are the necessary funds available by way of underspending in salaries, to agree upon and arrange payment of honoraria as provided for in Paragraph 35(a) of the Scheme of Conditions of Service and Paragraph 35(b) where a clearly defined and agreed apportionment of a Paragraph 35(a) definition and calculation can be demonstrated.
  - (d) To approve payments to staff under the Council's employee rewards scheme.
- 3.2 To authorise overtime payments within the budgeted expenditure. (S98/5/89)
- 3.3 To act as a Designated Authorising Officer for the purposes of granting and removing authorisations for covert surveillance under the Regulations of Investigatory Powers Act 2000 (RIPA).

#### **Works in Default and Prosecutions**

- 3.4 To carry out works in default (and seek to recover all costs incurred) and / or, through the Solicitor to the Council, to institute legal proceedings, including prosecution of offences against, or applications for Orders under the various Acts, regulations or byelaws made thereunder as set out in these delegations.

#### **Miscellaneous Matters**

- 3.5 To grant permission for the landing of helicopters on Council land in an emergency. (P23/7/87)

## **3.1 Service Manager – Strategy and Planning**

### **Planning Service**

The Council's Cabinet and Planning Committee may delegate some of its functions and powers to specific officers of the Council. The following is a list of those delegations

C denotes from Cabinet.

P denotes from Planning Committee.

In the absence of the nominated officers delegated power may be exercised by the Executive Director of Business Operations or such officer as the Head of Paid Service may nominate.

### **SERVICE MANAGER – STRATEGY AND PLANNING**

All functions exercised by Service Manager – Strategy and Planning and in his absence the Development Manager.

#### **Development Management**

- 3.1.1 To deal with applications for listed building consent under S10 of the Planning (Listed Buildings and Conservation Areas) Act 1990. (P)
- 3.1.2 To refer to Council any planning application prior to a decision being made by the Planning Committee. (P)
- 3.1.3 To prescribe conditions or reasons for refusal to be applied to any planning application determined by the Council contrary to the recommendation of the Planning Committee. Decisions taken under this power to be reported to the next available meeting of the Planning Committee. (P)
- 3.1.4 To approve minor amendments to planning consents and to approve or disapprove any matter submitted as a condition of planning approval or in relation to a planning obligation made under S106 of the Town and Country Planning Act 1990. Function also to be exercised by Team Leader & North Bexhill Manager, Major Applications and Appeals Manager, Principal Officers (Level 5) and Senior Officers (Level 4) who are also Chartered Town Planners (MRTPI). (P)
- 3.1.5 To deal with applications for Lawful Development Certificates under S191 and S192 of the Town and Country Planning Act 1990. Function also to be exercised by the Team Leader & North Bexhill Manager, Major Applications and Appeals Manager, Principal Officers (Level 5) and Senior Officers (Level 4) who are also Chartered Town Planners (MRTPI). (P)
- 3.1.6 To determine applications for planning permission in accordance with the arrangements detailed under Delegated Procedures and to determine individual planning applications specifically delegated by Committee resolution and to prescribe conditions or reasons for refusal as appropriate.

Under the Delegated system all applications identified with the (Del) notification on the Weekly List will be dealt with by Officers where there are no conflicting views to the recommendation as identified below:

Approvals	No objections on material planning grounds received
Refusals	No material conflicting views received from Parish/Town Council or formal consultees

These applications will not be the subject of a report to Councillors.

In circumstances where there is a difference of opinion between the Parish/Town Council or material planning objections have been received in relation to the officer recommendation then an internal only electronic report (Notified 'D') is forwarded to Councillors on a daily working week basis which will identify the planning issues involved and the intended decision. Councillors have 5 days to call off an application and refer to Planning Committee.

- 3.1.7 To refuse planning permission for applications in circumstances where:
- (i) no extension of time is agreed and it is not possible to resolve any outstanding matters; and
  - (ii) there is insufficient time available for the application to be reported to the Planning Committee where either a first or an alternative resolution may be required.

Function also to be exercised by the Team Leader & North Bexhill Manager, Major Applications and Appeals Manager, Principal Officers (Level 5) and Senior Officers (Level 4) who are also Chartered Town Planners (MRTPI). (P)

- 3.1.8 To rescind or revoke all obsolete, irrelevant or inoperative entries in the registers under his control relating to the Town and Country Planning Act 1990; Article 4 Directions made under the General Permitted Development Orders; the Town and Country Planning (Control of Advertisements) Regulations 1992, and Notices under Section 65 of the Public Health Act 1936. (C)
- 3.1.9 To exercise the Council's functions under Section 224 of the Town and Country Planning Act 1990 - power to remove or obliterate placards and posters. (C)
- 3.1.10 Acting in conjunction with the Solicitor to the Council to authorise Section 106 Planning Obligations or authorise the modification of existing Section 106 Planning Obligations which relate to planning control matters. (Any Obligations that relate to financial matters are to be reported to Planning Committee). All such Obligations to be concluded within a six month period of the authorisation unless extended at the discretion of the Service Manager – Strategy and Planning, Development Manager or Solicitor to the Council. Function also to be exercised by the Team Leader & North Bexhill Manager and Major Applications and Appeals Manager. (P)

- 3.1.11 To determine whether the prior approval of the Authority will be required to the siting, design and external appearance of agricultural or forestry buildings for the purposes of Part 6 and Part 7 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Function also to be exercised by the Team Leader & North Bexhill Manager and Major Applications and Appeals Manager. (P)
- 3.1.12 To make decisions or Notifications under the Overhead Lines (Exemption) Regulations 1990. Function also to be exercised by the Team Leader & North Bexhill Manager and Major Applications and Appeals Manager. (P)
- 3.1.13 To deal with notifications in respect of planning controls over demolition and in respect of telecommunications developments contained in Part 16 of Schedule 2 of Town and Country Planning (General Permitted Development) Order 2015 (as amended). Function also to be exercised by the Team Leader & North Bexhill Manager and Major Applications and Appeals Manager. (P)
- 3.1.14 To decide not to investigate alleged breaches of planning control where it is considered that the matter is not having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations and in this regard no investigations shall take place in respect of anonymous complaints or in respect of slight variations which would otherwise be permitted by the Town & Country (General Permitted Development) Order 2015 (as amended) or other minor development that amounts only to a technical breach. (P)
- 3.1.15 To decide to take no further action on breaches of planning control that have been investigated and are not having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.16 To take enforcement action, acting through the Solicitor to the Council in respect of breaches of planning control, under Section 172 of the Town and Country Planning Act 1990 which are having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations. The Solicitor to the Council be authorised to take any other steps necessary to remedy the breach of planning control including legal action under Sections 179 and 181 of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.17 To issue notices under Section 215 of the Town and Country Planning Act 1990, acting through the Solicitor to the Council. The Solicitor to the Council be authorised to take any other steps necessary to secure compliance with the notice including legal action under Section 216 of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

- 3.1.18 To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.19 To serve Temporary Stop Notices under Section 171E or Stop Notices under Section 183 of the Town and Country Planning Act 1990, acting through the Solicitor to the Council. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.20 To exercise the Council's functions under Section 224 of the Town and Country Planning Act 1990 to remove or obliterate unlawful placards and posters. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.21 Acting through the Solicitor to the Council to commence legal proceedings in respect of anyone displaying advertisements otherwise than in accordance with the Town and Country Planning (Control of Advertisements) Regulations, under Section 224(3) of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.22 Acting through the Solicitor to the Council, to withdraw an enforcement notice which has been complied with, where it is considered that the breach of planning control cannot be repeated, or waive or relax any requirements of any notice under Section 173A of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.23 Acting through the Solicitor to the Council, to extend the period for compliance with any enforcement notice under Section 173A where that would be expedient; such extension not to exceed 12 months. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.24 To exercise, at his discretion following consultation with and acting through the Solicitor to the Council, the powers of the Council under the Town and Country Planning Act 1990, the Public Health Acts 1936 and 1961 and the Building Act 1984 in relation to breaches of planning control and non-compliance with the Building Regulations. To take enforcement action in respect of breaches of planning control and listed building consent. Function also to be exercised where appropriate by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.25 The making of land use planning representations to the Traffic Commissioner on applications for Operators Licences made under the Goods Vehicles (Licensing of Operators) Act 1995. Function also to be exercised by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)

- 3.1.26 The making of directions under Article 4 of the Town and Country (General Permitted Development) Order 1995. Function also to be exercised by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.27 To exercise the Council's functions in respect of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 or any subsequent replacement regulations. Function also to be exercised by the Team Leader & North Bexhill Manager and the Major Applications and Appeals Manager. (P)
- 3.1.28 To make representations where necessary in respect of proposals made by Government Departments in consultation with the Chairman of Planning Committee, where appropriate. (P)

### **Rights of Entry**

- 3.1.29 To authorise at his discretion officers (either generally or specifically) to exercise all or any statutory rights of entry in the Planning Acts and the Regulations made thereunder. (P)

### **Planning Policy**

- 3.1.30 To make representations on draft planning and related policy statements and documents upon which the Council is consulted in terms of their alignment with Council policies and strategies in consultation with the Chairman of Planning Committee, where appropriate. (C)

### **Tree Matters**

- 3.1.31 To determine applications to fell, lop or prune trees the subject of a tree preservation order or in a conservation area. (C)
- 3.1.32 To respond to Forestry Commission consultations on the basis of the Council's adopted policy. (C)
- 3.1.33 To deal with the hedgerow removal notices under The Hedgerow Regulations 1997 and to issue hedgerow retention notices. (C)
- 3.1.34 Acting through the Solicitor to the Council, to make such tree preservation orders as the Service Manager – Strategy and Planning considers necessary from time to time. A report shall be made to the Committee or by the Notified Delegation System before the Order is confirmed detailing any objection received. (P)
- 3.1.35 To exercise the Council's functions in respect of High Hedges under Section 8 of the Anti-Social Behaviour Act 2003. Function to be exercised following consultation with and acting through the Solicitor to the Council. (P)

## Highway Matters

- 3.1.36 To deal with consultations by the East Sussex County Council on highway matters, including the creation, diversion and closure of footpaths and bridleways, and traffic management measures and highway Stopping Up Orders. (C)

## Nature Conservation Matters

- 3.1.37 To determine Appropriate Assessments submitted to the Council under the Conservation (Natural Habitats etc) Regulations 1994.

(NB The delegations under 3.1.10 above will be exercised by the Service Manager – Strategy and Planning and Planning Policy Manager (Strategy and Planning), those under 3.1.31 – 3.1.37 will, in addition, be exercised by the Service Manager – Strategy and Planning and the Development Manager.

## SERVICE MANAGER – STRATEGY AND PLANNING AND BUILDING CONTROL MANAGER (Concurrent Power)

- 3.1.38 To prepare and implement, after consultation with the Service Manager - Finance and Welfare, a scheme for the charging of fees in accordance with the Building (Local Authority Charges) Regulations 1998.
- 3.1.39 Executive Director of Business Operations together with the Service Manager – Strategy and Planning to approve Site Waste management plans for construction and demolition sites.
- 3.1.40 To issue decisions on all applications under the Building Regulations, and to determine applications for relaxation thereof. (C)
- 3.1.41 To employ qualified consultant structural engineers to check where necessary structural details of applications submitted under the Building Regulations. (C)
- 3.1.42 To exercise the Council's functions under the following Sections of the Building Act 1984. (C)

S.8	Relaxation of Building Regulations.
S.16	Passing and rejection of plans
S.19	Use of short-lived materials
S.20	Use of materials unsuitable for permanent building
S.21	Provision of drainage
S.22	Drainage of buildings in combination
S.24	Provision of exits etc
S.25	Provision of water supply
S.31	Proposed departure from plans
S.32	Lapse of deposit of plans
S.36	Removal of alteration of offending work
S.59	Drainage of buildings
S.72	Means of escape in case of fire

S.73	Raising of chimney
S.74	Cellars and rooms below subsoil water level
S.75	Consents under Section 74
S.76	Defective Premises
S.77	Dangerous Building
S.78	Dangerous building - emergency measures
S.79	Ruinous and dilapidated buildings and neglected sites
S.80. 81, 82	Demolitions
S.84	Paving and drainage of yards and passages
S.95	Power to authorise officers to enter premises

Revised June 2017



## **3.2 Service Manager - Licensing and Environmental Services Delegations**

### **Environmental Health Service**

The Council's Cabinet and Licensing and General Purposes Committee may delegate some of its functions and powers to specific officers of the Council. The following is a list of those delegations.

In the absence of the nominated officers delegated power may be exercised by the Executive Director of Business Operations or such officer as the Head of Paid Service may nominate.

### **DELEGATIONS TO THE EXECUTIVE DIRECTOR OF BUSINESS OPERATIONS AND HEAD OF ENVIRONMENTAL HEALTH FROM CABINET**

3.2.1 To deal with applications, serve Directions, Notices (including fixed penalty notices), apply for warrants and take legal proceedings under the following Acts, regulations and Orders made thereunder as set out below and in Appendix A:-

Anti-Social Behaviour Act 2003  
Building Act 1984  
Caravan sites Act 1968  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Criminal Justice and Public Order Act 1994  
Dangerous Dogs Act 1991  
Deer Act 1991  
East Sussex Act 1981  
Environment Act 1995  
Environment Protection Act 1990  
European Communities Act 1972 and Regulations Orders made thereunder  
Food and Environmental Protection Act 1985  
Food Safety Act 1990 and regulations made thereunder  
And a). any Order or regulations made thereunder or relating to the foregoing or having effects by virtue of the European Communities Act 1972 and b). any modification ore re-enactment to the foregoing  
Health and Safety at Work etc Act 1974  
Litter Acts 1958 and 1983  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Noise and Statutory Act 1990  
Noise Act 1996  
Prevention of Damage by Pests Act 1949  
Public Health (Control of Diseases) Act 1984  
Public Health Acts 1936 and 1961  
Refuse Disposal (Amenity) Act 1978  
Refuse Disposal Act 1968

Water Acts 1945 and 1973

Other Acts which amend or replace (in whole or in part) the above Acts.

## **Public Health**

- 3.2.2 To act as a Proper Officer under the Public Health (Control of Diseases) Act 1984 together with Proper Officers appointed by the Health Protection Agency (E120/4/93).
- 3.2.3 To agree local transfers and assignments under Regulations 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989 (E93/4/90).
- 3.2.4 To authorise Officers under the Health Act 2006.
- 3.2.5 To carry out functions pursuant to Regulation 8(2) of the Control of Asbestos at Work Regulations 2002.
- 3.2.6 To agree local transfers and assignments under Regulations 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989 (E93/4/90).

## **Food Safety**

- 3.2.7 To calculate charges for copies of the Register of Premises required by the Food Premises (Registration) Regulations 1991 (E93/2/92) and the Public Register of Private Water Supplies (E/94/2/92).
- 3.2.8 To authorise suitably qualified officers within the Department to exercise the powers conferred by section 11 of the Deer Act 1991 (E80/11/92).
- 3.2.9 To take any necessary action under both UK and EU Food Safety Legislation and all further statutory provisions, statutory instruments, regulations and directives which may from time to time replace or supplement those specified.
- 3.2.10 To authorise suitably qualified Officers within the Environmental Health Division to act as designated authorised Officers under UK and EU Food Safety legislation as may be required.

## **Dog Matters**

- 3.2.11 To authorise such officers and veterinary surgeons or practitioners as he deems necessary to act on behalf of the Authority under Sections 1 to 3 of the Breeding of Dogs Act 1991 (E35(1)/9/91) and Dangerous Dogs Act 1991.

## **Pest Control**

- 3.2.12 To deal with infestation of rats and mice under Section 6 of the prevention of Damage by Pests Act 1949, and any other pests at the discretion of the Service Manager - Licensing and Environmental Services. To set appropriate charges for dealing with pests.

## **Nuisance and Pollution Matters**

- 3.2.13 To enter into agency agreements with the Department of Transport for the implementation of Noise insulation schemes under the Noise Insulation Regulations 1975.
- 3.2.14 To act, together with the Solicitor to the Council, to obtain injunctions and take proceedings in the High Court against those who intend to hold an event which threatens the peace and quiet of residents, and in contravention of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.2.15 To calculate charges for the release of information required by the Environment Information Regulations 1992 (E118/4/93).
- 3.2.16 To represent the authority at joint agency meetings to determine applications for Anti-Social Behaviour Orders and to instigate any proceedings, in conjunction with the Solicitor to the Council, for obtaining such an order including the provision of witnesses and the disclosure of relevant information (E7/6/99).

## **Works in Default and Prosecutions**

- 3.2.17 To carry out works in default (and seek to recover all costs incurred) or, through the Solicitor to the Council, to institute legal proceedings, including prosecution of offences against, or applications for Orders under the various Acts, regulations or byelaws made thereunder as set out in Appendix A. In accordance with the Council's current Environmental Health Enforcement Policy (E41/10/01).

## **DELEGATIONS TO THE EXECUTIVE DIRECTOR OF BUSINESS OPERATIONS AND SERVICE MANAGER - LICENSING AND ENVIRONMENTAL SERVICES FROM THE LICENSING AND GENERAL PURPOSES COMMITTEE (REGULATORY COMMITTEE)**

3.2.18 To grant, renew, vary, transfer licences, registrations, certificates, permits and issue authorisation and take legal proceedings under Acts listed below and set out within Appendix A :-

Animals Boarding Establishments Act 1963  
Boarding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Caravan Sites and Control of Development Act 1960  
Dangerous Wild Animals Act 1976  
Environmental Protection Act 1990  
European Communities Act 1972 and Regulations Orders made thereunder  
Food Safety Act 1990  
Gambling Act 2005  
House to House Collections Act 1939  
Hypnotism Act 1952  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976 and 1982  
Motor Salvage Operators Regulations 2002  
Noise Act 1996  
Pet Animals Act 1951  
Police, Factories, etc (Miscellaneous Provisions) Act 1916 (Street Collections)  
Pollution Prevention and Control Act 1999  
Public Health Acts Amendment Act 1907 (Pleasure Boats)  
Riding Establishments Act 1964 and 1974  
Safety of Sports Grounds Act 1975  
Scrap Metal Dealers Act 1964  
Sunday Trading Act 1994  
Town Police Clauses Act 1847  
Zoo Licensing Act 1981  
Other Acts which amend or replace (in whole or in part) the above Acts.

3.2.19 To vary fees and charges in respect of licensing or registration as may from time to time be necessary.

3.2.20 Power to register animal trainers and exhibitors. (Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)).

3.2.21 Power to license knackers' yards. (Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646)).

3.2.22 Power to license persons to collect for charitable and other causes. (Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)).

3.2.23 Power to approve meat product premises. (Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)).

- 3.2.24 Power to approve premises for the production of minced meat or meat preparations. (Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)).
- 3.2.25 Power to approve dairy establishments. (Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)).
- 3.2.26 Power to approve egg product establishments. (Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)).
- 3.2.27 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods. (Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)).
- 3.2.28 Power to approve fish products premises. (Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)).
- 3.2.29 Power to approve dispatch or purification centres. (Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
- 3.2.30 Power to register fishing vessels on board which shrimps or molluscs are cooked. (Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
- 3.2.31 Power to approve factory vessels and fishery product establishments. (Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
- 3.2.32 Power to register auction and wholesale markets. (Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
- 3.2.33 Duty to keep register of food business premises. (Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)).
- 3.2.34 Power to register food business premises. (Regulation 9 of the Food Premises (Registration) Regulations 1991).
- 3.2.35 Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer. (Part I of the Health and Safety at Work etc Act 1974 (c. 37)).
- 3.2.36 Power to make closing order with respect to take-away food shops. (Section 4 of the Local Government (Miscellaneous Provisions) Act 1983 (c. 30)).
- 3.2.37 To issue licences for keddle net fishing and set charges.

- 3.2.38 To act as the designated Proper Officer (under the Sunday Trading Act 1994) for the receipt of notices from large shops intending to open on Sundays and to maintain the register thereof (E25/8/94).
- 3.2.39 To take any relevant legal proceedings in conjunction with the Solicitor to the Council under the Acts and Regulations listed in paragraph 3.2.38, including prosecutions for failing to comply with conditions attached to licences etc. In accordance with the current Environmental Health Enforcement Policy (E41/10/01).

### **Hackney Carriage & Private Hire Matters**

- 3.2.40 To appoint such Officers as he deems necessary to act on behalf of the Council for the purposes of Section 68 of the Local Government (Miscellaneous Provisions) Act 1976. (Inspection of Hackney Carriage and Private Hire Vehicles).
- 3.2.41 To increase hackney carriage fares on an annual basis following consultation, if no objections are received.
- 3.2.42 To appoint private investigators to assist, as may be required from time to time, in the enforcement of hackney carriage and private hire licensing matters, subject to costs being contained within the taxi licensing budget.
- 3.2.43 To suspend or revoke vehicle and driver licences where it is considered necessary for the protection of the public, following consultation with the Chairman or Vice-Chairman of the Licensing and General Purposes Committee.
- 3.2.44 To issue exemption certificates.
- 3.2.45 To approve MOT stations as vehicle compliance testers.

Animal Boarding Establishments Act 1963  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003  
Boarding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Building Act 1984  
Caravan Sites and Control of Development Act 1960  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Criminal Justice & Public Order Act 1994  
Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Deer Act 1991  
Environment Act 1995  
Environmental Protection Act 1990  
Food Safety Act 1990: (as amended) and;  
    a) any order or Regulations made thereunder or relating to the foregoing  
        or having effects by virtue of the European Communities Act 1972 and  
    b) any modification or re-enactment to the foregoing  
Food Hygiene (England) Regulations 2006  
Gambling Act 2005  
General Food Regulations 2004  
Health and Safety at Work etc Act 1974  
Housing Acts 1985, 1996 and 2004  
Housing Grants, Construction and Regeneration Act 1996  
Hypnotism Act 1952  
Licensing Act 2003  
Local Government and Housing Act 1989  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Motor Salvage Operator Regulations 2002  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Official Control of Foods and Foodstuffs Regulations 2006  
Pet Animals Act 1951  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Public Health Acts 1936 and 1961  
Public Health (Control of Diseases) Act 1984  
Refuse Disposal Amenity Act 1978  
Riding Establishments Act 1964 and 1974  
Slaughter of Poultry Act 1967  
Slaughterhouses Act 1974  
Sunday Trading Act 1994  
Water Industry Act 1991  
Zoo Licensing Act 1981

and amendments made to these Acts.

## 3.3 Service Manager - Community and Economy Delegations

The Council may delegate some of its functions and powers to specific officers of the Council. The following is a list of those delegations to the Service Manager – Community and Economy. In the absence of the Service Manager - Community and Economy delegated power may be exercised by the Executive Director of Business Operations or such other officer as the Head of Paid Service may nominate.

### Contract and Financial Management

Authorities concerning specific Amenities activities that have financial implications are described in the relevant sections that follow.

To approve periodic (monthly) expenditure up to one twelfth of the annual contract sum for service contracts (regardless of value).

- 3.3.1. To approve activities that are of benefit to the community but for which responsibility lies with other public organisations, provided:
- a. sufficient funding exists and
  - b. the total annual revenue cost does not exceed £5,000
  - c. to seek reimbursement for costs incurred when action has been taken

(For example, the removal of visible fly tips not located on Rother District Council land.)

- 3.3.2 To issue proportional refunds for the cost of season tickets and annual licence fees for any services that are the responsibility of the Service Manager - Community and Economy upon surrender thereof in cases where use has not been possible due to illness or weather. (Including car park season tickets, bowls season tickets and sports pitch bookings.)
- 3.3.3 To negotiate lower charges for the hire of open spaces, sports pitch bookings and beach facilities where such action is desirable in order to gain income.

### Refuse Collection, Recycling and Street Cleansing Services

- 3.3.4 To arrange the collection of clinical waste from premises as required by the Waste Collection and Disposal Regulations 1988 and as may be requested by industrial or commercial premises for which no duty in respect of collection otherwise exists.
- 3.3.5 To serve Litter Abatement Notices in accordance with Section 92 of the Environmental Protection Act 1990.
- 3.3.6 To receive payment for and arrange the collection of waste and recycling materials for which no duty otherwise exists.



- 3.3.7 To carry out the Street Sweeping/Beach Cleansing Service in accordance with Section 89 of the Environmental Protection Act 1990 and the associated Code of Practice to ensure compliance with same.
- 3.3.8 To issue Fixed Penalty Notices as appropriate in accordance with the provisions of the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and other subsequent legislation as advised by the Service Manager - Licensing and Environmental Services.

### **Highway and Transport operational matters including car parks**

- 3.3.9 To issue written notices and authorisations as is deemed necessary to ensure the effective management of car parks with regard to the provisions of the Road Traffic Regulation Act 1984 and the Rother Off-Street Parking Order.
- 3.3.10 To enter into a contract for the sale of advertising space on car parking tickets sold by the Council (T8/6/95).
- 3.3.11 To authorise temporary closure(s) and alternate use(s) for car parks up to a total of 7 days in any year provided that the total loss of income per annum does not exceed £5,000.
- 3.3.12 To authorise free use of each car park (or designated area within a car park) up to a total of 7 days in any year.
- 3.3.13 To deal with the provisions of section 33 of the Road Traffic Regulation Act 1984 including matters concerning temporary car parks.
- 3.3.14 To cancel car parking standard charge notices when there is evidence that extenuating circumstances should be considered.

### **Open Spaces, Parks, Sports and Recreational Grounds**

- 3.3.15 To close to the public any park or pleasure ground under section 44 of the Public Health Acts Amendment Act 1890 (as amended by section 8 of the East Sussex Act 1981) and to close up to 100 metres of any esplanade under section 13 of the East Sussex Act 1981.
- 3.3.16 To deal with applications for the hire of sports pitches and other parks and open space facilities including block bookings and to adjust charges for facilities or games etc. if required due to changes in the rate of VAT.
- 3.3.17 To approve temporary access to open spaces, parks, sports and recreational grounds by vehicles on appropriate terms and conditions to be determined by the Council's Estates Officer.
- 3.3.18 To determine charges for and approve the temporary use of open spaces, parks, sports and recreational grounds for entertainment and non-commercial community events provided that general public access to any site is not restricted for more than 20 days in any year. (For example, Carnivals, Circuses, Fairs and fetes.)

- 3.3.19 To grant concessionary use of open spaces, parks, sports and recreational grounds to external organisations and/or individuals to provide or operate non-commercial community services, provided the total annual value of the concessions granted does not exceed £5,000.
- 3.3.20 To issue licences for temporary mobile catering concessions following consultation with the Council's Estates Officer for open spaces, parks, sports and recreational grounds on terms and conditions to the satisfaction of the Head of Paid Service.
- 3.3.21 To display notices, designate and set apart areas in pleasure grounds, public walks and open spaces for the purposes of specified games in accordance with Byelaws.

### **Community Facilities Operated by External Organisations**

- 3.3.22 To approve annual contracts and service level agreements with external organisations and/or individuals to provide or operate community services, provided :-
- a. sufficient funding exists within existing budgets
  - b. the total annual revenue cost does not exceed £20,000

(For example, for organisations to participate in the annual "In Bloom" competitions; for individuals to operate warning flag systems.)

### **Provision of Entertainments and Use of Public Spaces and Buildings**

- 3.3.23 To engage public attractions and entertainments whenever the financial result is considered advantageous to the Council.
- 3.3.24 To grant and apply terms for filming concessions on property owned by the Council.
- 3.3.25 To issue licences for animal grazing on terms and conditions to the satisfaction of the Head of Paid Service.

### **Foreshore and Beach Management**

- 3.3.26 To issue and renew licences for beach huts, temporary beach huts, boats and winches.
- 3.3.27 Provided general public access is not restricted for more than 10 days in any year to grant facilities for regattas and other events using beaches or promenades on terms and conditions approved by the Head of Paid Service.
- 3.3.28 In liaison with the Service Manager - Licensing and Environmental Services (who is responsible for permissions for charities to collect on streets) to permit charities to collect money on esplanades on occasions when they are authorised to hold street collections.

## **Allotments**

- 3.3.29 To approve applications and issue agreements for the use of allotments and the erection of sheds on allotment sites.
- 3.3.30 To issue notices to vacate allotments.

## **Cemeteries**

- 3.3.31 To authorise the issue of grants and exclusive right of burial in the Council's cemeteries.
- 3.3.32 To approve works and the materials used in the construction of monuments.
- 3.3.33 To approve the erection of cemetery monuments which comply with the regulations governing cemeteries.
- 3.3.34 To exercise the powers of the Council contained in the regulations relating to the selection or purchase of graves or vaults
- 3.3.35 To approve the use of music, flags or banners in cemeteries.
- 3.3.36 To issue notices to owners and authorise works to facilitate maintenance of graves and cemeteries to meet the requirements of the memorial testing regulations in accordance with current Council policy.
- 3.3.37 To exercise the powers of the Council under Section 46 of the Public Health (Control of Diseases) Act 1984 relating to the burial or cremation of the dead.

## **Miscellaneous**

- 3.3.38 To deal with dangerous trees under sections 23 & 24 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3.39 To apply for premises and Temporary Event Notices on behalf of the Council under the Licensing Act 2003.
- 3.3.40 To consider applications to hold a public event and give the permission of the local authority as the premises licence holder for any regulated entertainment that is proposed.
- 3.3.41 To secure the removal of any boat which is on any part of the seashore under the control of the Council under section 12 of the East Sussex Act 1981.
- 3.3.42 To give consent to any person to take off from or land in pleasure grounds, public walks and open spaces in an aircraft, helicopter, hang-glider or hot-air balloon (subject to insurance and safety requirements).