

SECTION 9: Scheme of delegation to Council Officers

1. Definitions and consultation with councillors under this scheme

1.1 Definitions

In relation to all the following delegations:

- a) "Director" includes the Chief Executive and Chief Operating Officer
- b) An "Assistant Director" as designated by the Chief Executive, also includes the Assistant Chief Executive and Chief Financial Officer.
- c) "Committee" includes a sub-committee.
- d) "Chair" includes the Vice-Chair, in the absence of the Chair. A "Spokesperson" is a Member of a political group on the Council (other than the majority group) nominated by the group to act as its spokesperson in relation to a particular executive portfolio/committee.

1.2 Exercise of delegated powers by deputies

- a) Any power, duty or authority delegated to a Director or Assistant Director in these delegations may be exercised by his/her Deputy or Deputies, unless otherwise directed, and provided that the matter in which the delegation is to be exercised is within the normal area of responsibility of the Deputy.
- b) Any Director, Assistant Director or Deputy may authorise any other officer within his/her group to discharge on his/her behalf any power, duty or authority delegated to him/her and any officer so authorised may in turn delegate further. Such delegations need not be evidenced in writing.
- c) Where a delegation is expressed to be to an Assistant Director, it may also be exercised by the Director to whom the Assistant Director reports.

1.3 Protocol for consulting ward councillors before exercising delegated powers

- a) Officers will be expected to consult Ward Councillors before exercising any delegated power, where:
 - a proposed action or course of actions under a delegated power would have a direct effect on the environment of, or Council services received by, residents at a specific location or in a certain area within the ward they represent; and

- the effect of the action would be limited to that location or area.
- b) Officers are not expected to consult Ward Councillors in the following cases:
- Matters relating to an individual/s or organisation which would have no impact on the environment or Council services received by other residents or neighbours - for example applications for benefits or financial assistance, leases or rents.
 - Matters relating to the exercise of regulatory or statutory functions, in accordance with regulations or approved Council scheme
 - Prosecutions and other legal proceedings.
 - Matters relating to the administrative offices or general affairs of the Council.
 - Temporary or emergency matters
 - Where consultation of that Ward Councillor has already taken place on the same or a related matter.
- c) Ward Councillors will be consulted in writing, whenever practicable, and will be expected to respond to the officer concerned within 5 working days.
- d) This protocol is for guidance and failure to consult Ward Councillors in accordance with its provisions will not invalidate any actions taken under delegated powers.

1.4 Consultation with Executive Councillor, Chair and spokespersons before exercising delegated powers

- a) There are several references in the Constitution to officers having delegated authority to take action after consultation with the Executive Councillor or the Chair. This section sets out the procedure to be followed in such cases. The procedure is subject to the exception set out below for cases of urgency or emergency.
- b) Where the delegation relates to an executive function, the appropriate Executive Councillor and the spokesperson(s) should be consulted. If the Executive Councillor objects to the proposed course of action (but not if one or both of the minority group spokespersons objects), the officer shall not be authorised to exercise the delegated power without formal reference to the Executive Councillor following pre-scrutiny by the relevant scrutiny committee.
- c) Where the delegation relates to a regulatory function, the Chair and the minority group spokesperson(s) should be consulted. If the Chair objects to the proposed course of action (but not if one or both of the minority group spokespersons objects), the officer shall not be authorised to exercise the delegated power without formal reference to the regulatory committee.

2 Urgency Action

Each Director or Assistant Director is authorised to act on behalf of the Executive or the Council (after consultation, if practicable with the relevant Executive Councillor or, in respect of non-executive functions, the relevant Chair or, in either case, the Chief Executive) in relation to matters within his/her area(s) of responsibility in cases of urgency or emergency. Any such action to be reported as soon as possible to the relevant Executive Councillor and Scrutiny Committee or, for non-executive functions, the relevant committee or sub-committee.

In exercising this power, a Director or Assistant Director shall either consult:

- members, in which case the Executive Councillor (in respect of executive functions) or the Chair (in respect of regulatory functions) and, so far as practical in the time available, spokesperson(s); or
- the Chief Executive (if available) before taking action.

If only the Chief Executive is consulted, the Director or Assistant Director shall, as soon as possible after taking the action in question, inform the Executive Councillor, Chair and spokesperson(s) of what has happened. (This shall be in addition to reporting the action taken to the next meeting of the relevant committee or sub-committee).

3. Proper Officer/Formal matters

3.1 Designation of “Proper Officer”

Except as set out in paragraphs 3.2 and 3.3 below, the Chief Executive is, designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972, the Local Government and Housing Act 1989, section 41 of the Local Government (Miscellaneous Provisions) Act 1976 and any other statute requiring the designation of a proper officer. In the absence of the Chief Executive the Head of Legal Practice may exercise this power.

3.2 Proper Officer for background papers to reports

For the purposes of Section 100 D(1)(a) and (5) of the Local Government Act 1972 (identification of background papers to reports), the Chief Executive and each Director is designated and authorised to act as the Proper Officer in relation to reports produced in his/her name or, in the case of joint reports, to reports in respect of which s/he is the lead Director.

3.3 Signature of documents

- a) The Chief Executive, Chief Financial Officer or Head of Legal Practice is authorised to sign on behalf of the Council any document necessary to give effect to any decision of the Council (or of the Executive, a committee, sub-committee or officer acting under delegated powers) which does not fall within the specific delegations to, or areas of responsibility of, another Director.
- b) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Head of Legal Practice or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

3.4 Common Seal of the Council

- a) The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Practice.
- b) A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal shall be affixed to those documents which, in the opinion of the Head of Legal Practice, should be sealed.
- c) The affixing of the Common Seal shall be attested by the Chief Executive, Chief Financial Officer or Head of Legal Practice or some other person authorised by him/her.

3.5 Legal proceedings, public inquiries and tribunals

The Head of Legal Practice or, in his/her absence, anyone deputised by him/her is authorised to:-

- a) take any proceedings or other steps as may be necessary to enforce (and recover) any debt owing to the Council or other obligation to the Council;
- b) institute, prosecute, defend or participate in, and appear in (or authorise the appearance of someone else) any legal proceedings
 - authorised by the Council (or by the Executive, a committee, sub-committee or officer acting under delegated powers) pursuant to section 222 of the Local Government Act 1972; or
 - where such action is necessary to give effect to decisions of the Council;
 - or in any case where the Head of Legal Practice considers that such action is necessary to protect the Council's interests.
- c) to appear at (or authorise the appearance of someone else), or make representations to, any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Cambridge).

3.6 Authorisation of officers for statutory purposes

The Chief Executive or Head of Legal Practice is authorised on behalf of the Council to authorise persons in writing for the purposes of any statute, after consultation with the relevant Director in relation to staff within his/her Group.

3.7 Casual vacancies on committees and political proportionality

The Chief Executive, Assistant Chief Executive or Head of Legal Practice as Proper Officer is authorised to:

- a) appoint a member to fill any casual vacancy on a committee or sub-committee, provided that such appointment is carried out so as to give effect to the wishes of the political group to whom the seat is allocated under the political balance rules contained in the Local Government and Housing Act 1989 and associated Regulations;
- b) to calculate the number of seats on committees and sub-committees to which each political group is entitled to nominate members, and to give notice of such entitlement to the group leaders.

3.8 Alteration of date or time of committee meetings

The Chief Executive or Assistant Chief Executive is authorised to alter the date or time of a committee meeting but, before doing so, shall consult all members of the committee about the need for the change and about convenient alternative dates and

times. If reasonably practicable, all members of a committee will be consulted before setting a date and time for a special meeting of that committee.

3.9 Breach of section 106, Local Government Finance Act 1992. (Voting by councillors on certain matters when in arrears of Council Tax)

The Chief Executive is instructed to inform the Director of Public Prosecutions of any apparent breach of Section 106 of the Local Government Finance Act 1992.

4. General Delegations

Each Director and Assistant Director has delegated powers to manage and operate the department and the services for which s/he is responsible provided that any action taken is within the portfolio and operational plans, budgets and policy and financial guidelines set by the Council and relevant committee/s and subject to the conditions and requirements in or implied by the Council's Constitution and the Scheme of Delegations.

Each Director and Assistant Director is also authorised as follows:

4.1 Financial Matters

a) Spending money from revenue budgets

To incur expenditure on any item for which provision is made in the appropriate approved revenue budget provided that:

- in the case of grants to outside bodies, the approval of the relevant Executive Councillor is obtained for grants over £1,000. (Any grant made under this delegated power must be reported to the next meeting of the relevant scrutiny committee.)
- any action taken complies with any relevant legislative provisions; the terms of any relevant agency agreement; and the requirements of the Council's Constitution (or, where necessary under the terms of an agency agreement, the Constitution of another authority).

b) Proceeding with capital schemes

To proceed with all necessary steps to achieve the completion of capital schemes for which provision has been made in the approved Capital Plan or the Housing Capital Investment Plan, provided that the approvals required by paragraph c) below have been obtained and the requirements of the Constitution and any relevant legislation are complied with.

c) Approvals needed for new capital projects

Subject to Section 4.1D, in the case of new capital projects the following approvals (together with approval to the necessary budget provision) must be obtained before any scheme may proceed.

- For projects where the estimated cost is £15,000 and below and has identified capital funding: once included in the capital plan schemes may proceed without scrutiny committee consideration, provided that relevant Ward Councillors, have been consulted, where appropriate.

- For projects where the estimated total cost is over £15,000 and up to £1,000,000, a full business case report must be completed and referred to the Capital Programme Board for approval.
- For projects where the estimated total cost is over £1,000,000, a full business case report must be completed and referred to the capital Programme Board for consideration and then the relevant scrutiny committee and referral to the Executive Councillor for approval.

4.1A

In the case of new capital projects, responsibility for which has been delegated to Area Committees by the Executive, the following approvals (together with approval to the necessary budget provision) must be obtained before any scheme may proceed

- **For schemes where the estimated cost is £15,000 and below:** once included in the Area Committee's programme, may proceed without further committee consideration, provided that relevant Ward Councillors are always consulted.
- **For schemes where the estimated total cost is over £15,000 and up to £75,000:** a full business case report must be completed and referred to the relevant Area Committee Chair, Vice Chair and Opposition Spokes for approval. The schemes may then proceed without Area Committee consideration, provided that relevant Ward Councillors are always consulted.
- **For schemes where the estimated total cost is over £75,000:** a full business case report must be completed for consideration and approval by the relevant Area Committee.

e) Approval of capital programme bids

The appropriate lead officers are authorised to approve bids of £15,000 and below to be met from the capital programme remits established by the Council provided that the bids meet the agreed remits, objectives and criteria of the programme area concerned.

f) Use of repairs and renewals funds

In consultation with the Chief Financial Officer, to use Repairs and Renewals funds for the replacement or repair of existing plant, vehicles or equipment (or other asset for which payments have been made into the fund) provided that:

- the plant, vehicles, equipment (or other asset) concerned has reached the end of its operational life; and
- the repair or replacement is to a current reasonable specification; and

- appropriate payments have been made into the Repairs and Renewals provision; and
- provision has been included in the Housing Capital Investment Plan, in the case of proposals which the Chief Financial Officer regards as falling within the definition of capital expenditure. [In such cases current requirements for the approval of capital expenditure would apply.]

In consultation with the Chief Financial Officer, to use Repairs and Renewals funds for proposals costing £15,000 and below, where at least 50% of the cost is for genuine replacement and repair and the remainder (less than 50%) is for some improvement or enhancement.

g) Acceptance of quotations and tenders

To accept quotations or tenders for work, supplies or services subject to compliance with the Council's Contract Procedure Rules

h) Lists of approved contractors

To compile, approve, or vary lists of approved contractors, subject to the requirements of the Council's Contract Procedure Rules.

i) Virement

To carry out virement of sums between cost centres in accordance with the Council's Financial Procedure Rules.

j) Setting charges

To set or revise charges made for goods or services provided by the Council within any guidelines approved by the Executive.

k) Waiving or reducing charges

To waive or reduce charges for goods or services provided by the Council up to £2,500. The reference to arrangements for writing off bad debts (below) would mean that waiver or reduction of charges for goods and services of up to £25,000 could be approved by the Chief Financial Officer. Above that limit the approval of the Executive Councillor for the service is required, in consultation with relevant spokespersons. For sums above that limit the current arrangements for writing off bad debts should apply. The appropriate Executive Councillor and spokesperson/s of the relevant scrutiny committee should be consulted where a significant precedent or departure from existing policies would be involved.

l) Writing off bad debts

The decision maker listed may write off bad debts as irrecoverable in accordance with the following table, and subject to the limits and approvals shown:

Decision maker	HRA debt	Business Rates, Council Tax and Housing Benefit	Other debts
	£	£	
Chief Financial Officer	up to £10,000	Over £2,500 to £25,000	Up to £25,000
Chief Financial Officer in consultation with Executive Councillor (Housing)	Over £10,000 and upto £25,000		
Scrutiny Committee (Housing) and Executive Councillor	Over £25,000		
Scrutiny Committee (Strategy and Resources) and Executive Councillor for Finance and Resources		Over £25,000	Over £25,000

4.2 Staffing Matters

a) Accountability for management and operation of services

To be accountable to the Chief Executive for the effective management and operation of his/her group(s).

b) General employment delegations

To have full delegated powers to manage, in accordance with the Council's policies, procedures and financial targets, and subject to consultation with the Head of People/Head of HR where appropriate, the activities and the staff for the group for which s/he is responsible including:

- appointments to posts (except those reserved for appointment by a committee or sub-committee of the Council)
- the employment of temporary employees
- control of staff performance and discipline, including the power of suspension and dismissal
- staff training and development
- payment of expenses and allowances in accordance with National and Local conditions of service and approved Council schemes
- the payment of honoraria and the approval of accelerated increments

- changes to the management and staffing structures of his/her group, including the creation/deletion of posts and changes to gradings and job descriptions, subject to consultation with the relevant Executive Councillor, Chair and spokesperson/s of the relevant scrutiny committee in the case of changes to the staffing structure which:
 - (i) would result in job losses;
 - (ii) involve changes to the first and second tier of management; or
 - iii) would have an effect on activity delivery; or would have major implications for the operation of the department; or would have implications for other departments.

c) Reimbursement of fees for professional qualifications

To reimburse fees, limited to one body for each officer, to staff required to hold professional qualifications as a condition of appointment.

d) Recruiting and dismissing staff to take account of fluctuating levels of work

For internal support activities provided under Service Level Agreements or activities provided under contracts to external agencies or bodies, to take on or dismiss staff to take account of fluctuating levels of work, subject to the employment policies of the Council, national and local agreements and consultation with the Head of People.

4.3 Property Matters

a) General delegation of property matters to Directors/Assistant Directors

Subject to the provisions of corporate property services and facilities maintenance contracts managed by the Assets and Property Assistant Director, and b) below, to manage the operational land and property of the Council within his/her areas of responsibility, including the formal matters given below:

- the assignment or subletting of leases and tenancies;
- the granting or refusal of the Council's consent under the terms of any lease;
- alterations to premises leased by the Council, variations in leases and user clauses and acceptance of the surrender of leases; (Note: the policy approved at minute 93/a/118 applies to requests to change the user clause of leases of shops on housing estates owned by the Council)
- variations in restrictive covenants of a routine nature;
- the granting of licences over the Council's land;

- granting of easements and wayleaves (including those for public or statutory undertakings);
- the terms of leases for sites for electricity sub-stations or other utilities;
- the revision of rents under any existing lease where the new rent does not exceed £20,000 per annum and the renewal period is not more than 10 years
- the grant of a new lease where the rent does not exceed £20,000 per annum or where the period of the lease does not exceed five years, whatever the rent.

b) Consultation with Assets and Property Assistant Director before exercising delegated powers in relation to property matters

Except in the case of Council dwellings falling within the Housing Revenue Account and residential shared ownership properties, before exercising any of the delegations in (a), the Director concerned should consult the Assets and Property Assistant Director or instruct the Assets and Property Assistant Director to act on his/her behalf. In such circumstances the Assets and Property Assistant Director is authorised to do all things so instructed and anything ancillary to those things.

c) Compensation payments

The Assets and Property Assistant Director is authorised to settle the amount of compensation payable in respect of land, buildings, or crops (or damage thereto) and which the Council is liable to pay in consequence of any work carried out or other action taken on the Council's behalf up to a maximum of £5,000 in any one case or to the full amount where this is calculated by reference to an ascertainable value and a prescribed multiplier.

d) Action for non-payment of rent

The Assets and Property Assistant Director, the Head of Legal Practice and the Chief Financial Officer are authorised to take action for non-payment of rent under a letting of land or premises (other than a letting of a domestic residence) by means of peaceable re-entry or distress for rent.

4.4 Legal matters

a) Providing evidence

To make any statement or swear any affidavit or statutory declaration or give evidence, in connection with proceedings in any court or tribunal, as to matters within the scope of his/her duties or within his/her personal knowledge. This delegation extends to any employee of the Council.

b) Instructions to take legal proceedings

To instruct the Head of Legal Practice, in relation to matters which are within the Director's or Assistant Director's areas of responsibility, to bring or defend or appear in proceedings, whether civil or criminal, in any court or tribunal, and to take steps in contemplation, furtherance or settlement of such proceedings.

c) Instructions to take other legal steps

To instruct the Head of Legal Practice to take such other steps, in relation to matters which are within the Director's or Assistant Director's areas of responsibility, as are intended to protect or further the Council's interests, including but not limited to service of statutory and other notices and requisitions.

4.5 Other general delegations

a) Supply of goods and services to third parties

To submit tenders and enter into contracts to supply goods and services to non-Council organisations or individuals, subject to:

- the provisions of the Local Authority (Goods and Services) Act 1970 and other legislative requirements;
- consultation with the Head of Legal Practice and the appropriate Executive Councillor and Spokesperson/s of the appropriate scrutiny committee;
- any financial limits set by the relevant Executive Councillor.

b) Applying for planning consent

To make an application for, or initiate the process for seeking planning consent for, Council development or development of Council-owned land in relation to his/her areas of responsibility, after consultation with the appropriate Executive Councillor.

c) Statutory powers to require the provision of information

To use the powers of the Council to require the provision of information required in the exercise of the functions of the Council.

d) Service level agreements

To negotiate and approve the terms of Service Level Agreements, subject to any approved guidelines.

e) Use of professional consultants

To approve the use of professional consultants for works included in the Council's capital and revenue programmes, provided that there is sufficient allocated budget provision and that rules on contracts and any guidelines in force for the appointment of consultants are followed.

5. Delegations to specific officers

Delegates to officers are made in two ways:

- Group Delegations (which are intended to give wide powers to officers over routine operational matters for a given Service area or function) and
- Specific Delegations (which are more closely defined powers).

5.1 Group Delegations - General Conditions

- a) No function should be discharged under a Group Delegation, which is expressly reserved for exercise by the Council, by the Executive, or by a committee or sub-committee of the Council.
- b) In the case of the Groups or functions identified as subject to Group Delegations, the appropriate Directors or Assistant Directors are authorised to discharge all the functions, powers and duties of the Council under all relevant legislation in relation to those services or functions, subject to:
 - the Council's Constitution and any other relevant regulations or procedures approved by the Council or by the Executive;
 - the budgets, portfolio and operational plans and other objectives, policies and priorities of the Council, its committees and its Executive
 - all other relevant resolutions, orders and directions of the Council and its committees and sub-committees and Executive.
- c) Where, in the opinion of a Director or Assistant Director, any matter calling for decision may be regarded as sensitive or contentious by any political group, the Director shall first consult:
 - In respect of executive functions, the appropriate Executive Councillor and the spokespersons on the relevant scrutiny committee; or
 - In respect of regulatory functions, the Chair and the spokespersons of the relevant regulatory committee.
- d) The existence of a delegation to a Director or Assistant Director shall not require them to take a decision on that issue and he/she may consult the Executive Councillor or Chair, as appropriate, and Spokesperson/s for guidance or refer the matter to the Executive Councillor or committee for decision, if he/she considers it is appropriate to do so. In so doing, the Director or Assistant Director shall advise of the extent of his/her delegated powers relating to the matter.

- e) The Chief Executive shall determine any case in which there is uncertainty whether a Director or Assistant Director is authorised to act under this scheme of delegations.
- f) Non-compliance with any or all of these General Conditions shall not invalidate or make unlawful any decision or action taken under a delegated power.

5.2 Scheme of Delegations

Chief Executive

Group delegations

Specific delegations: Executive Functions

- To appoint representatives of the Council to attend the Annual Conference and other events organised by the Local Government Association, on the basis of one representative from each party group, subject to consultation with the party group leaders.
- To decide arrangements for the closure of Council offices in the Christmas/New Year period, subject to provision of adequate service levels to the public and subject to consultation with the Leader of the Council and spokesperson(s) of the Strategy & Resources Scrutiny Committee.
- To designate authorised officers for the purposes of Chapters II and III of the Act in order to comply with a recommendation from the Office of Surveillance Commissioners.
- To approve expenditure on civic hospitality, subject to consultation with the Executive Councillor, and Spokesperson(s) of the Scrutiny Committee and the Mayor and a maximum of £500 per occasion.
- To approve grants or other expenditure from the approved budget for town twinning up to £250 and up to £500 after consultation with the Executive Councillor.

Specific Delegations: Regulatory Functions

Electoral Registration and Elections

5.3 Democracy, Inclusive Economy and Climate Group

Assistant Chief Executive

Group delegations

- Democratic services
- Climate Change
- Anti-poverty initiatives
- Culture and Arts activities
- Council relationship with Cambridge BID (Business Improvement District)
- Council relationship with Cambridge DMO (Destination Management Organisation)

5.4 Corporate Group

Chief Operating Officer

Group Delegations: Executive Functions

- Emergency Planning
- Website, data protection and freedom of information
- Performance Management
- Promoting the work of the Council and public relations
- Grants and support for the voluntary sector
- The provisions of the Localism Act relating to assets of community value under Community Right to Bid
- Finance and audit
- Human Resources
- ICT and Legal services
- Management of the council's central procurement and development of the procurement strategy

Chief Finance Officer

Service area delegations by the Executive

Finance and audit services

- Collection and recovery of Council Tax and National Non-Domestic Rates
- Administration of Housing Benefits and Council Tax Benefits

Treasury Management, subject to:

- the affordable borrowing limit determined each year by Council under s3 of the Local Government Act 2003 the policies contained in the CIPFA Code for Treasury Management in Local Authorities,
- the Treasury Management Policy Statement adopted by the Council and any other guidelines and policies agreed by Council.
- the submission of, as a minimum, a mid-year and annual report on treasury management activities and performance to the Strategy & Resources Scrutiny Committee
- To review annually, and amend where appropriate, cash values in the Constitution (other than for bad debts) at the commencement of each financial year, in accordance with the inflation factors used in the preparation of the budget for the next financial year.
- To calculate and determine the Council Tax Base including submission of the National Non Domestic Rates Forecast (form NNDR1) for each year

Specific Delegations: Executive Functions

- To make changes in interest or loans to outside bodies, subject to consultation with the Executive Councillor and Spokesperson(s) of that Scrutiny Committee.
- To arrange insurance cover for the general functions of the Authority
- To arrange and approve banking services for the Council, subject to the periodic invitation of tenders for the provision of banking services.
- Under the Community Right to Bid (Localism Act) Determining compensation applications and appeals against compensation decisions
- To approve mortgage advances for the acquisition, repair, conversion of dwellings, in consultation with the Assistant Director, Housing and Homelessness.
- To vary the Local Authority Mortgage Interest Rate under the Housing Act 1985, in accordance with notification of the Secretary of State.
- To approve the transfer of the mortgage of a property to the spouse or other member of the family of the current mortgagor, subject to consultation with the Executive Councillor for Housing and the Spokesperson(s) of the Community Services Scrutiny Committee.
- the annual review and any amendment to the risk based verification process for housing and council tax benefit claims
- to award the “Discretionary Transitional Relief” where a ratepayer demonstrates their entitlement.

Head of Human Resources/Head of People

Service area delegations Executive and Council/Regulatory Committee

- Human Resources services to the Council including the formulation, approval and implementation of employment-related policies
- Corporate training
- Pay, terms and Conditions.

Specific delegations by the Executive and Council/regulatory committee

- To implement any award of a joint negotiating body so far as it concerns rates of salary, wages, car allowances or other allowances payable to officers and other employees of the Council except where the terms thereof involve the exercise of a discretion by the Council provided that when any action is taken in pursuance of this paragraph members are advised by the Head of Human Resources and a record of that advice be made available to the public.
- To take such action as may be necessary in relation to superannuation and the payment of pensions on behalf of the Council as employing authority in relation to its employees, former employees and to Cambridgeshire County Council as administering authority; except that, where the Council is entitled to exercise a discretion, the Head of Human Resources is authorised to act under this paragraph only in accordance with principles approved by the Council. In consultation with the Head of Human Resources to pay gratuities and injury awards to employees, former employees and their widows and dependants.
- To maintain a record whether a particular employee's duties render his/her post politically sensitive according to the statutory criteria.
- To convene a panel of "independent persons", as and when required by the Local Authorities (Standing Orders) (England) Regulations 2001 and to determine its procedure

5.5 Communities Group

Communities Director

Group delegations by the Executive

- Children's and young people's services
- Community facilities
- Neighbourhood community development
- Community safety including the Racial Harassment service
- Sport, recreation and swimming services including the Council's leisure management contract and active lifestyles activity
- community and equalities activity
- Monitoring and control of air and water pollution
- Contaminated land, radioactive substances
- Monitoring and control of noise, including management of the Noise Call Out Service
- All powers concerned with ensuring proper maintenance, upkeep and management of properties for the protection of the safety and well-being of private sector residents including action on Category 1 & 2 hazards, overcrowded or vacant housing, and the exercise of powers relating to houses in multiple occupation including the making of Interim and Final Management Orders, where a duty exists to do so – but excluding the making of:

a clearance area declaration;
a general improvement area declaration;
demolition orders;
compulsory purchase orders;
Interim and Final Empty Dwelling Management Orders;
Discretionary Interim and Final Management Orders;
additional HMO licensing schemes; and
Selective HMO Licensing

- Unlawful eviction and harassment
 - Food hygiene and safety
 - Health and Safety (including home safety)
 - Prevention, control and remedy of statutory nuisances
 - Control of dogs and other animals and all matters concerned with animal welfare and control
 - Sale of Game
 - Control, and destruction where necessary, of Pests, nuisances and infectious diseases
 - Other Public Health regulatory functions not otherwise specified within these delegations
 - Acupuncture, tattooing, ear piercing and electrolysis
 - Control of caravan sites
 - Control and removal of unauthorised encampments
 - All matters relating to Hackney Carriage, Private Hire, and Trishaw vehicles, and the drivers, proprietors and operators of those vehicles.
-
- Control, regulation and enforcement powers in relation to shops and trading.
-
- The registration and monitoring of gambling establishments
 - The licensing of scrap metal dealers & businesses which sell/recycle second hand car parts
 - Street collections, house to house collections and the issuing of permits to special interest pressure groups except for the refusal of house to house collection permits.

Specific Delegations: Executive Functions

5) Powers delegated by the Executive Councillor

- To review and set hire charges for community centres
- To negotiate access to, enter into agreements for and, where appropriate to manage, dual use facilities at education sites and other locations, in accordance with the policies, budgets and directions of the Council
- Approval of community grant awards as follows:
 - a. Awards up to and including £5,000 to be approved by officers
 - b. Awards from £5,001 - £10,000 to be approved by the Executive Councillor inviting comments from the Chair and Spokes of the relevant scrutiny committee
 - c. Awards above £10,000 to be approved by the Executive Councillor following consideration by the relevant scrutiny committee

Specific Delegations: Executive and Regulatory Functions

- Communities Director to authorise the issue and enforcement of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 Note: The delegation of this power to the Director will enable the Director to delegate the issue of Community Protection Notices to officers within the council as they consider appropriate to enable enforcement to be carried out effectively
- To authorise the issue and enforcement of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014
- To appoint an official veterinary surgeon to carry out duties required at premises licensed under the *Food Hygiene (England) Regulations 2006/14*
- The power to implement and enforce the provisions of Chapter 1 of Part 1 of the Health Act 2006 and Regulations made under that Act in relation to smoke free premises, places and vehicles.
- The power to authorise in writing any person (whether or not an officer of the City Council), either generally or specifically, to act in matters arising under Chapter 1 of Part 1 of the Health Act 2006 and Regulations made under that Act in relation to smoke free premises, places and vehicles.
- The Council's powers relating to Closure Notices and Closure Orders under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 including issuing notices for periods not exceeding 24 hours, subject to the Chief Executive (or a person designated by her) having power to issue notices for periods up to 48 hours. Note: The Anti-Social Behaviour, Crime and Policing Act gives power to the Chief Executive (or a person designated by him/her) to issue notices for periods up to 48 hours. The Chief Executive will decide which officers she will designate.
- In accordance with the policies determined by the Council, to approve the payment of removal expenses incurred as a consequence of any order made by or on behalf of the Council under the Housing Acts or in respect of any other removal at the instigation of the Council.
- To execute works to prevent unauthorised entry into an unsecured dwelling under the Local Government (Miscellaneous Provisions) Act 1982.
- To take action under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to restore or maintain supplies of gas, electricity or water at dwellings occupied by tenants.
- To act as the proper officer to receive reports of Category 1 or 2 hazards existing on any residential premise under Section 4(6) of the Housing Act 2004.
- For the purpose of the Public Health (Control of Disease) Act 1984, the following are each appointed as the "proper officer" under the Act for the purpose of making medical decisions:-

The Specialist in Community Medicine and such medical officers named in writing by Cambridge Health Authority to act as his/her deputies. The Director of Communities is appointed as the proper

officer for the administrative responsibilities which give effect to the medical decisions referred to.

Scrap Metal Dealers Act 2013

Matter to be Dealt With	Director of Communities
Determination of an application for a Scrap Metal licence -Site Licence and/or Collector's Licence	All cases
Determination of an application to update / amend a Scrap Metal Licence	All cases
The issue of a Scrap Metal Licence when an application has been determined to do so	All cases
Decision to refuse a Scrap Metal Licence	All cases
Decision to attach condition(s) to a Scrap Metal Licence (S.4)	All cases
Decision to revoke or vary (add conditions to) a Scrap Metal Licence (S.4)	All cases

Decision to consult with other persons (S.3)	All cases
Decision to request further information to consider the application (Sch1 Pt4)	All cases
Issue of Notice of Decision (Sch1 Pt8)	All cases
Matters relating to updating the Register of licences (S.7)	All cases
Authorisation of Officers Generally under the Act	All cases
Decision on whether any information is relevant (S.3)	All cases
Instigation of proceedings for an offence	All cases
Relevant Enforcement Action	All cases
Issuing copies Licences due to theft, lost etc.	All cases
Response to request for information from other persons (S.6)	All cases

Gambling Act 2005:

Matter to be Dealt With.	Sub-Committee.	Director Of Communities
Duty to comply with requirement to provide information to Gambling Commission under section 29		All cases
Functions relating to exchange of information under Section 30		All cases
Functions relating to occasional use notices under section 39		All cases

Matter to be Dealt With.	Sub-Committee.	Director Of Communities
Functions relating to Premises Licences under Part 8	Determination of applications for the grant, variation or transfer of Premises Licences, or applications for Provisional Statements where representations have been received and not withdrawn. Determination of applications to review Premises Licences.	All other matters
Functions relating to temporary use notices under Part 9 of the Act	Decision to serve a counter-notice under section 224 in response to an objection notice that has not been withdrawn	All other matters
Making of an order under section 284 to disapply exempt gaming and the automatic entitlement to provide gaming machines in a premises with a Premises Licence authorised for sale by retail of alcohol for consumption on the premises	All cases	
Designation of Officers as authorised persons under section 304 of the Act		All cases
Instituting of legal proceedings under the provisions set out in section 346		All cases
Exchange of information under section 350 for use in the exercise of functions		All cases
Functions relating to Family Entertainment Centre Gaming Permits under Schedule 10	Refusal of applications where objections are received and not withdrawn	All other matters
Functions relating to the registration with the local authority of small society lotteries under schedule 11	Determination of applications for registration or revocation of registrations in the circumstance set out in Paragraph 47 and 48 of Schedule 11	All other matters
Functions relating to club gaming and club machine permits under schedule 12	Determination of applications where objections have been made and not withdrawn. Cancellation of permits under paragraph 21 of schedule 12	All other matters
Functions relating to licensed premises gaming machine permits under schedule 13	Determination of applications for the grant or variation of a permit that will authorise the	All other matters

Matter to be Dealt With.	Sub-Committee.	Director Of Communities
	provision of more than 10 gaming machines. Cancellation or variation of a permit under section 16 of schedule 13	
Functions relating to Prize Gaming Permits under schedule 14	Refusal of applications where objections are received and not withdrawn	All other matters

The matters that will be delegated to the Director of Communities by virtue of the above table, that are not explicitly stated include:

- Functions relating to Premises Licences under Part 8
- Maintenance of the public register, grant of applications (save for reviews) where there are no representations,
- the responsible authority function of the Licensing Authority, the updating of licences following changes of address,
- the issuing of replacement licences where the original has been lost/stolen/damaged,
- the revocation of licences for non-payment of annual fees, and
- providing notifications to the Police, the Commission and HMRC of the grant, surrender, lapsing or revocation of licences.
- Functions relating to temporary use notices under Part 9 of the Act
- Acknowledgement of notices, endorsement of notices where no objections are received and maintenance of the register.
- Functions relating to Family Entertainment Centre Gaming Permits under Schedule 10
- Grant of applications where no objections are received, issuing of replacement permits where the original has been lost/stolen/damaged and maintenance of the register.
- Functions relating to the registration with the local authority of small society lotteries under schedule 11
- Registration of societies, cancellation of notices for non-payment of annual fees and providing notification to relevant parties of such cancellations.
- Functions relating to club gaming and club machine permits under schedule 12
- Grant of applications where there are no objections, updating permits following change of names/addresses, issuing of replacement permits if original is lost/stolen/damaged, cancellation of permits for non-payment of annual fees and maintenance of the public register.
- Functions relating to licensed premises gaming machine permits under schedule 13
- Issuing of replacement permits if original is lost/stolen/damaged, cancellation for non-payment of the annual fee and maintenance of the public register.
- Functions relating to Prize Gaming Permits under schedule 14 Issuing of replacement permits if original is lost/stolen/damaged and maintenance of the public register.

Licensing Act 2003

Matter to be Dealt With.	Licensing Sub-Committee.	Director of Communities
Matters relating to maintenance of the Public Register (s.8)		All cases
Application for a Premises Licence / Provisional Statement / Club Premises Certificate	If relevant representation is made	If no relevant representation is made
Application to vary a Premises Licence / Club Premises Certificate	If relevant representation is made	If no relevant representation is made
Decision whether to consult other responsible authorities on minor variation applications		All cases
Determination of minor variation applications		All cases
Application to Vary a Designated Premises Supervisor (DPS)	If a Police Objection is made	If no Police Objection is made
Request to be Removed as a DPS		All cases
Determination of an application to vary a Premises Licence at a community premises to include the alternative licence condition	If a Police objection is made	If no Police objection is made
Application to Transfer a Premises Licence	If a Police Objection is made	If no Police Objection is made
Application for an Interim Authority Notice	If a Police Objection is made	If no Police Objection is made
Application to review a Premises Licence / Club Premises Certificate	All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc		All cases
Decision to make a representation when the Licensing Authority is the relevant Licensing Authority		All cases
Decision to make a representation when the Local Authority is a consultee and not the relevant authority considering the application		All cases
Suspension of a Premises Licence / Club Premises Certificate for non-payment of annual fee		All cases
Withdrawal of a Club Premises Certificate where the Club Ceases to be a Qualifying Club under the Act (s.90)		All cases

Matter to be Dealt With.	Licensing Sub-Committee.	Director of Communities
Acknowledgement of a temporary event notice		All cases
Determination of an objection to a standard temporary event notice	All cases	
Serving of a counter-notice to a late temporary event notice where an objection notice is received		All cases
Serving of a counter-notice to a temporary event notice where Permitted Limits are Exceeded		All cases
Application for the Grant / Renewal of a Personal Licence	If a Police Objection is made	If no Police objection is made
Determination of an Objection Notice in Response to a Notification of Convictions Coming to Light after Grant / Renewal of a Personal Licence	All cases	
Updating of Premises Licences (under s.56), Club Premises Certificates (under s.93) and Personal Licences (under s.134)		All cases
Issuing copies of Premises Licences and Summaries (under s.25), Club Premises Certificates and Summaries (under s.79), Temporary Event Notices (under s.110) and Personal Licences (under s.126) due to theft, lost etc.		All cases
Authorisation of Officers Generally under the Act and specifically under Parts 3 and 4 and section 108(5)		All cases
Instigation of proceedings for an offence		All cases

Housing and Homeless Assistant Director/Head of Housing

Group Delegations: Executive Functions

- Provision of Housing Options Advice
- Measures to prevent and reduce homelessness
- Maintenance and operation of the Housing Register
- Nomination of Households for social rental housing
- Implementation of Right to Buy legislation
- The general management, regulation and control of the Council's housing stock and land, including:
 - Selection of tenants;
 - The fixing of appropriate rents for individual Council dwellings and garages, in accordance with the Council's policy on rent fixing;
 - Tenancy relations and enforcement of tenancy conditions;
 - Rent collection and recovery;
- Recovery of possession of the Council's housing stock, garages and land, subject to consultation with the Executive Councillor for Housing and spokesperson/s of the Scrutiny Committee in cases where:
 - Notices of Seeking Possession are to be served under grounds 9-16 of Schedule 2 of the Housing Act 1985;
 - It is proposed to enforce a possession order.
- Letting of other property holdings within the Housing Revenue Account, including the grant and renewal of leases, provided that no lease of land exceeding 100 square metres or of property shall be for more than 30 years.
- Management of Supported Housing, including:
 - Sheltered accommodation for the elderly
 - Care Call Service
 - Temporary Housing for the Homeless
- Tenancy Relations, Harassment and Protection from Eviction
- To enter into agreements with building societies and other lenders to the effect that if they exercise their power of sale in respect of properties on which an improvement grant has been made, the Council would only seek to recover 5% in respect of the renovation grant plus -a) any proceeds of the sale after the mortgage debt has been paid in full; or(b) the balance of the grant, whichever is the less, in full satisfaction of the liability of the owner of the property.
- To approve applications for the modification or release of covenants imposed following the sale of properties (including land) under the Housing powers, in consultation with the Assets and Property Assistant Director and Estates and Facilities (City Services).
- To compensate tenants for improvements under the provisions of the Housing Act 1985
- In accordance with the policies determined by the Council, to approve the payment of removal expenses incurred as a consequence of any order

made by or on behalf of the Council under the Housing Acts or in respect of any other removal at the instigation of the Council.

- To select applicants for shared ownership schemes; to set the terms, including price and rent, on which shared ownership leases are granted and surrendered; and to exercise general powers of management, regulation and control in respect of such schemes, including the power to forfeit leases and take other measures appropriate to enforce the terms of leases.
- To approve or refuse assignments of shared ownership leases.
- To nominate potential purchases of shared ownership houses directly to existing leaseholders in order to avoid having to repurchase such houses.
- To review annually the charges for the provision of “dropped kerbs” for properties on the basis of recovering costs within ten years.
- To approve the introduction of wheel clamping schemes in residents parking areas and to appoint security firms for the purpose.
- To increase the penalty in connection with wheel clamping schemes in residents parking areas in line with increases in inflation and VAT.
- Council new build-estates management strategy (following consultation with the Executive Councillor for Housing, Chair and Spokes) to agree the estate management structure on individual schemes where new Council Housing is being provided together with market housing.
- Shared Ownership Scheme – authority to develop a business case for each property which comes up for resale, and to assess – according to a set of agreed criteria – whether to:
 - a. Buy back and sell a share to another applicant, or
 - b. Buy back to use as rented stock, or
 - c. Buy back and sell the whole property on the open market, or
 - d. Advise the seller to sell their share on the open market.
- Approve the freehold or leasehold disposal of up to 100 square metres of land without any significant buildings (which is within the Housing Revenue Account), and the terms of disposal, subject to consultation with Ward Councillors
- In consultation with the Chief Financial Officer, Assets and Property Assistant Director and the Ex Cllr, purchase of vacant properties for the HRA, subject to availability of resource (inc right to buy receipts) for this purpose and provided that the acquisition meets the criteria set out in any acquisition policy set by the Executive Cllr.
- The Council's powers relating to Housing Management and Anti-Social Behaviour as contained in the Anti-Social Behaviour Act 2003. The Council's powers and functions relating to anti-social behaviour as contained in the Anti-Social Behaviour, Crime and Policing Act 2014 with the exception of Public Spaces Protection Orders and approval of the Community Trigger Threshold and procedure.

- The Council's powers relating to Closure Notices and Closure Orders under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 including issuing notices for periods not exceeding 24 hours, subject to the Chief Executive (or a person designated by her) having power to issue notices for periods up to 48 hours. Note: The Anti-Social Behaviour, Crime and Policing Act gives power to the Chief Executive (or a person designated by her) to issue notices for periods up to 48 hours. The Chief Executive will decide which officers she will designate.
- The Council's powers and functions relating to anti-social behaviour as contained in the Anti-Social Behaviour, Crime and Policing Act 2014 with the exception of Public Spaces Protection Orders and approval of the Community Trigger Threshold and procedure.
- The Council's powers relating to Closure Notices and Closure Orders under Part 4 of the Anti-Social Behaviour Crime and Policing Act 2014 including issuing notices for periods not exceeding 24 hours, subject to the Chief Executive (or a person designated by him/her) having power to issue notices for periods up to 48 hours. Note: The Anti-Social Behaviour, Crime and Policing Act gives power to the Chief Executive (or a person designated by him/her) to issue notices for periods up to 48 hours. The Chief Executive will decide which officers he/she will designate.
- Injunctions under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the decision about whether to publicise an injunction subject to notifying the Leader, and the Chair and Spokespersons of the Strategy and Resources Scrutiny Committee when publicity has been authorised. Criminal Behaviour Orders (CBOs) under Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the decision about whether to publicise a CBO except when an order prohibiting publication has been made under section 39 of the Children and Young Persons Act 1933, subject to notifying the Leader and the chair and Spokespersons of the strategy and Resources Scrutiny Committee when publicity has been authorised.
- To authorise the issue and enforcement of Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 Note: The delegation of this power to the Director of the Environment and Director of Customer and Community Services will enable the Directors to delegate the issue of Community Protection Notices to officers within their departments as they consider appropriate to enable enforcement to be carried out effectively

5.6 City Services Group

City Services Director

Group Delegations: Executive Functions

- The carrying out of housing repairs and maintenance
- To approve tenant applications for alterations in accordance with tenancy agreements
- Management and control of the General Market
- Powers relating to the control and operation of **street trading** except for decisions on the allocation of new or vacant pitches where more than one applicant has applied for a pitch and decisions on renewal applications where 5.2.6 of the street trading policy applies (copied below).

“5.2.6 Where a renewal application has been made and there is evidence of non-compliance with the Council’s “criteria for assessment” or where there have been substantiated complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing Sub-Committee.”

- Trees
- Public realm enforcement
- Street Cleaning and Public Conveniences
- Management of allotments, including selection of tenants
- Management of nature reserves, commons, parks, open spaces and amenity areas, including:
 - granting and refusing applications for the use of those areas-
 - functions relating to the grazing of stock
- Traffic Management and matters relating to the use, control and regulation of public highways.
- Highway maintenance, Footway maintenance, Cycleways, Street Lighting, Bus shelters, street name plates, cycle racks and street furniture
- Management and maintenance of all public off-street car parking
- ShopMobility
- Burials and Cremation Service
- Management of fleet servicesManagement of the council’s central procurement and development of the procurement strategy

Specific Delegations: Executive and Regulatory Functions

- To waive charges for the use of commons and Public Open Spaces for approved events.

- Approval of mooring agreements, angling rights and issue of licences for recreational purposes on riparian land in consultation with the Assets and Property Assistant Director where appropriate.
- To impound stock or instruct the Head of Legal Practice to institute legal action or proceedings in cases of illegal grazing.
- To instruct the Head of Legal Practice to initiate legal action or proceedings against unauthorised encampments on public open space
- To act under all the powers available to the Council to secure the construction and adoption of new roads, paths and verges to a satisfactory standard.
- To carry out the decisions of the Cambridge Environment and Transport Joint Area Committee, subject to consultation with the Executive Councillor and the Spokesperson(s) of the Scrutiny Committee on matters requiring the allocation of City Council budgets, and not contrary to the policies or budgets of the Council.

Head of Shared Joint Waste Service

- **Service area delegated by the Executive**
- Waste Recycling, Industrial, Commercial, Domestic Waste and Refuse Collection insofar as the authority's statutory responsibilities apply and which are not covered under the operation of the joint waste service with South Cambridgeshire District Council

Assets and Property Assistant Director

Group Delegations: Executive Functions

- Management of the Council's office, industrial and commercial premises, including the approval of new and renewed leases
- Management of the general property holdings of the Council (including the approval of new and renewed leases):
 - With the exception of the disposal of the freehold interest (or the granting of a lease of over 30 years) of any land exceeding 100 square metres or any property, subject to consultation with Ward Councillors.
 - Subject to the provisions of the Policy for Property Holdings approved by the Executive Councillor.

- Excluding property falling within the Housing Revenue Account
- Implementation of Right to Buy legislation
- Home Improvement Agency
- Home Aid Agency
- Renovation Grants
- To carry out adaptations to Council dwellings to meet the needs of disabled/elderly tenants, within the policies and budgets of the Council up to a financial limit of £45,000 and above that limit, following consultation with the Executive Councillor for Housing and the Spokesperson(s) of the Scrutiny Committee
- To bring forward and implement or defer schemes within the Housing Programme of Work, provided that:
- the total expenditure included in the Housing Programme of Work is maintained within the total for housing schemes in the Council's MRA allocation and any previously approved Direct Revenue Funding and
- any schemes brought forward have received the prior approval of the Executive Councillor for Housing.

Specific delegations by the Executive

- To authorise the giving of consent by the Council as mortgagee in respect of minor routine matters not affecting the Council's security under the mortgage.
- To respond to any purchase notice served on the Council under the Town and Country Planning Act 1990 if a decision is required before the next normal meeting of the Strategy and Resources Scrutiny Committee, subject to consultation with the Executive Councillor and Spokesperson(s)

In consultation with the **Strategic Director**, to approve and complete minor deeds of rectification or exchange.

5.7 Joint Director of Planning in respect of planning and development control

Service area delegations

- Planning Service
- Building Control (3C service)
- Dangerous Buildings, structures and excavations
- Street Naming
- Regulatory functions under the Buildings Act and other legislation concerned with safety, sanitation, health and structural condition of buildings.

Specific area delegation by the Executive

- To approve grants from the Historic Buildings Fund and to approve Access Grants up to the value of £5,000
- To operate and negotiate building control fees as necessary (recording the fees agreed) in response to the dictates of the market and other relevant circumstances in adjusting fee levels on major developments that are likely to be subject to particular competition from private Approved Inspectors as long as overall budget targets are met

Specific regulatory power delegated

- To act as the proper officer under Section 191 of the Local Government Act 1972 with respect to ordnance survey.

Delegated by Planning Committee/ Executive

A1 To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the schedule below) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008) and the Planning (Listed Buildings and Conservation areas) Act 1990 **except** in any of the following circumstances:

- The application is for 'Major'¹ development (see note for definition of 'Major' at end of A1) where:
 - There are third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal.
- The application is advertised as a formal departure from the Development Plan policy and where the officer recommendation is for approval.
- The application is for development of between 1-9 dwellings, where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- The application is for development involving a change of use where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- The application involves the City Council as applicant or landowner and the development is not of a minor nature.
- The application is for the demolition of a listed building or a Building of Local Interest.
- The application is submitted by a Member or officer of the City Council.
- The application is for a 'non-material' change/amendment in relation to a development that was previously approved by Planning Committee or an Area Committee, and the Chair, Vice-Chair and Spokesperson of that Committee object to the exercise of the delegated power within 14 days of notification.

- The application is one where, within 21 days of the date of publication of the weekly list, or within 14 days of receipt of any subsequent significant amendment to the still current proposal, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the planning grounds on which the request is based.
- The application requires a Planning Obligation (or any subsequent amendment thereof) containing terms that are not in accordance with, or are additional to, those required by the Council's Planning Obligation Strategy.
- The application is one that in the opinion of officers should be determined by Committee because of special planning policy or other considerations.

Note: ¹ Major development comprises:

- ❑ 10 or more dwellings, or a site area of 0.5 ha. or more where the number of dwellings is not shown;
- ❑ Other developments where the floor space to be built is 1000 square metres (gross) or more, or where the site area is 0.5 ha. or more in size.

A2. To serve Requisitions for Information, Planning Contravention Notices, Breach of Condition Notices, Notices of Intended Entry, Section 215 Notices, and Discontinuance Notices for advertisements (subject to prior consultation with the Head of Legal and Democratic Services).

A3. To instruct the Head of Legal Practice to commence prosecution proceedings for the display of illegal advertisements (including fly posting) and for non-compliance with any formal notices issued.

A4. To instruct the Head of Legal Practice to serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission.

A5. To instruct the Head of Legal Practice to serve Listed Building Enforcement Notices under S38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A6. To instruct the Head of Legal Practice to serve notices requiring urgent works to unoccupied Listed Buildings under S54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A7. To decide whether to serve a Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003 where there are no third party representations that are contrary to the officer recommendation (subject to prior consultation with the Head of Legal and Democratic Services) and to instruct the Head of Legal Practice to commence prosecution proceedings for non-compliance with a Remedial Notice or to carry out works in default.

A8. To make representations as a 'responsible authority' on applications for public entertainment licenses under the Licensing Act 2003.

B1. To determine all applications for works to trees under the Town and Country Planning Act 1990, and for works to hedgerows under the Environment Act 1995, **except** in any of the following circumstances:

- The application is one where there are third party representations on amenity grounds that are contrary to the officer recommendation and that cannot be resolved.

- The application is one where, within 14 days of being notified, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the grounds on which the request is based.

B2. To serve, and unless objections are received, confirm Tree Preservation Orders and Hedgerow Replacement Notices.

B3. To instruct the Head of Legal Practice to take enforcement action or instigate proceedings under part (viii) of the Town and Country Planning Act 1990 relating to violations against protected trees, and under S97 of the Environment Act 1995 relating to violations against protected hedgerows.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

Schedule referred to in Delegation A1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

- Outline and full planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Reserved matters following outline planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Renewals of planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Removal/variation of planning conditions.
- Discharge of conditions.
- Agreeing the terms of Planning Obligations under S106 of the Town and Country Planning Act 1990.
- Advertisement Consent.
- Lawful Development Certificates.
- County Council Regulation 3 applications.
- Prior notifications and approvals under a Development Order.
- Goods Vehicle Operating Licences.
- Listed Building Consent.
- Conservation Area Consent.
- Consultations from neighbouring authorities.
- Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, or any subsequent amendment or successors to those Regulations.
- Screening and scoping opinions under the Conservation (Natural Habitats, etc) Regulations 1994 or any subsequent amendments or successors to those Regulations

- Screening and scoping opinions under the Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) Regulations 2001 or any subsequent amendments or successors to those Regulations

Planning enforcement:

Delegation to Shared Director of Planning and Economic Development (in consultation with Head of Legal Practice and Chair/Vice Chair/Spokes of Planning Committee):

A To take direct action or works in default as required in relation to Section 178 (Non Compliance with an Enforcement Notice) and Section 219 (Non Compliance with a Section 215 Notice) of Town and Country Planning Act 1990 (as amended) and to recover from the person who is then the owner of the land any expenses reasonably incurred by the Council in undertaking this work under Regulation 14 of the Town and Country Planning General Regulations 1992

B For commencement of prosecution following non-compliance with an Enforcement Notice under Section 179 or Planning Contravention Notice under Section 171D of the Town and Country Planning Act 1990 (as amended)

C To seek an injunction to restrain a breach of planning control under Section 187B of the Town and Country Planning Act 1990 (as amended)

D To make an application for a Confiscation Order under the Proceeds of Crime Act 2002 (as amended)

Delegation to Shared Director of Planning and Economic Development, the Enforcement and Monitoring Officer, the Delivery Manager (Development Management) and/or the Delivery Manager (Strategic Sites)

Subject to a valid request for 'call in' to Planning Committee, To issue and serve Enforcement Notices under Sections 172 and 215 clearance of untidy land and Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 of the Town and Country Planning Act 1990 (as amended) after consultation with the Head of Legal Practice. Authority to include signing, service, varying or withdrawing Enforcement Notices.

To issue and serve Temporary Stop Notices under Sections 171E to 171H and Stop Notices under Section 183 of the Town and Country Planning Act 1990 (as amended) and associated Enforcement Notices after consultation with the Head of Legal Practice. Authority to include signing, service, varying or withdrawing Temporary Stop Notices and Stop Notices.

Delegation to the Enforcement and Monitoring Officer, the Delivery Manager (Development Management) and/or the Delivery Manager (Strategic Sites)

All other enforcement related tasks, investigations, operational decisions, investigations and service of notices relating to development, trees and

hedges, the historic environment, advertisements, and hazardous substances, all under the relevant legislation and to close cases where it is not expedient to pursue enforcement action.

In consultation with the Executive Councillor, scrutiny committee chair and spokes make Article 4 Directions in respect of public houses and BLI's (Local Heritage Assets) where evidence suggests significant harm is possible through the exercise of permitted development rights.

Scheme of Delegation as agreed by the Joint Development Control Committee on 21 August 2013:

The following powers are delegated to each chief planning officer (or their equivalent) within each of the three local authorities represented on the Committee, in respect of planning and development control matters which would, in the absence of a joint committee, fall for determination by their employing authority. The chief planning officers may authorise any other officers within their relevant participating Councils to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further. Such delegations need not be evidenced in writing.

1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee except in any of the following circumstances:

a) Where the application is for Outline or Full Permission or is a reserved matters application in respect of:

1. The provision of residential units where:
 - (a) the number of residential units to be provided is 100 or more.
2. The provision of a non-residential building or buildings where the floor space to be created by the development is 1,000 square metres or more or is for non-residential development to be carried out on a site having an area of 1 hectare or more;
3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfills a strategic purpose;
4. Strategic waste development;
5. Regulation 3 development for all new facilities.

b) Where:

- There are any parish council representations that are contrary to the officer recommendation for approval or;

- There are other third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and that cannot be addressed by conditions as applicable or;

c) The application is advertised as a formal departure from the Development Plan and where the officer recommendation is for approval.

d) The application is submitted by a Member or Chief Officer or planning officer of any member of the Councils.

e) The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any Member of the City Council or of the District Council or any member of the County Council representing a ward within the City of Cambridge or South Cambridgeshire requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based.

f) The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.

g) The application is for a “non-material” change/amendment in relation to a development that was previously approved by the Joint Committee and either i) the elements to be changed were subject to specific conditions or ii) negotiation in response to objections raised to the original approval, and in both cases where the Chair, Vice-Chair and Spokespersons of the Committee object to the exercise of the delegated power within 14 days of notification.

2. In respect of or arising out of Major developments (as defined in the Committee’s terms of reference) exercise the Committee’s planning enforcement powers (apart from serving enforcement notices under S 171) (subject to prior consultation with the relevant Council’s Chief Legal Officer) and to instruct the relevant Council’s Chief Legal Officer to commence legal proceedings relating to planning enforcement other than commencing prosecutions provided that any action taken is reported to Committee thereafter.

3. To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

Schedule referred to in Delegation 1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

- a. Outline and full planning permission and any subsequent pre- and post-decision amendments.
- b. Reserved matters following outline planning permission and any pre- and post decision amendments.
- c. Renewals of planning permission and any pre- and post-decision amendments.
- d. Removal/variation of planning conditions.
- e. Discharge of conditions.
- f. Advertisement consent.
- g. Lawful Development Certificates.
- h. Regulation 3 applications.
- i. Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent.
- j. Listed Building Consent.
- k. Conservation Area Consent.
- l. Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.
- m. Entering into and Signing of Planning Performance Agreements.

Authority for providing responses on behalf of the City Council to the stages of the statutory process [listed in Para 4.20 and 4.21 for the infrastructure proposals listed in Paras 4.4. and 4.12 of the **Officers report 4.10.22**] copied below:

Nationally Significant Infrastructure Projects (NSIP) process

- Registration of the Council as “interested party.”
- Responding to any consultation on EIA screening/scoping on behalf of Cambridge City Council
- Attendance at pre-examination preliminary meeting and agreement of procedures and timetable for examination on behalf of Cambridge City Council.
- Instruction of witnesses and legal advisors and approval of all representations and agreements (e.g. Statement of Common Ground, conditions etc) through the Examination Process on behalf of Cambridge City Council.

TWA process

- Agreement of response to EIA consultation on behalf of Cambridge City Council.
- Agreement at pre-examination process of procedures for examination, timetable etc on behalf of Cambridge City Council.
- Instruction of Witnesses and legal advisor and approval of all submissions including proofs of evidence, statement of common ground on behalf of Cambridge City Council.
- Agreement on conditions and scope of post decision submissions/controls subject to LPA control on behalf of Cambridge City Council.

The following projects are known/believed to be planned to follow the NSIP route:

- Cambridge Water Treatment Works relocation (to be submitted 2022/3)
- E-W Rail (Submission due TBC)

The Following infrastructure projects currently expected to progress via the Transport and Works Act 1992 (TWA) route:

- Cambourne to Cambridge Rapid Transport Route (C2C) Public transport corridor project
- Cambridge Southeast Transport Route (CSET) Public transport corridor project
- Cambridge Eastern Access public transport corridor
- Waterbeach to Cambridge – public transport corridor
- Greater Greenways Project (various routes)