

# **Part 3**

## **Delegation Scheme**

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# Principles of Delegation

1. Section 101 of the Local Government Act 1972 provides that:
  - a. A Council may delegate its powers (except those incapable of delegation) to a committee or an officer
  - b. A Committee may delegate its powers to a sub-committee
  - c. A Committee may delegate its powers to an officer
  - d. Powers which have been delegated may be exercised by the delegating body or officer.

Under the Localism Act 2011 the Council has been given a general power of competence, enabling it to do anything that an individual might do. This is subject to certain qualifications.

2. Any delegation to a Committee or a Senior Officer shall be exercised in compliance with the Council's Constitution, any other policies or conditions imposed by the Council and with the law.
3. In making any decision regard shall be had to the Council's Priorities and principles of decision-making as set out in Article 6 of the Constitution.
4. A Senior Officer may nominate another named Officer to carry out any powers and duties which have been delegated to that Senior Officer.
5. If any officer to whom a function has been delegated is for any reason unable to act, or if the post of any such officer is vacant, the Head of Paid Service, or in his absence, the Executive Director (Service Delivery and Commercial Development) may exercise the delegated power or nominate another named officer to carry out those duties.
6. In an emergency the Head of Paid Service is empowered to carry out any function of the Council.
7. Where officers are contemplating any action under delegated powers which is likely to have a significant impact in a particular area, they should also consult the Members for the appropriate Wards.
8. A delegated officer must ensure that s/he obtains appropriate advice from the Council's legal, financial and other specialist staff before action is taken.
9. The Monitoring Officer may make consequential amendments to the Delegation Scheme to reflect the re-designation of posts in any Service which affects the terms of the scheme.
10. The Monitoring Officer shall settle any points requiring interpretation or clarification in the practical application of this Delegation Scheme.

# Delegation to the Council

Only the Council may exercise the following functions:

- To adopt and change the Constitution (save minor amendments as authorised in Article 11).
- To approve and adopt the Policy Framework.
- To approve and adopt the Budget.
- To determine the Council's Priorities.
- To appoint the Mayor and Deputy Mayor.
- To appoint the Council Leader and Deputy Leader
- To appoint Committee Chairmen and Vice-Chairmen.
- To agree and/or amend the terms of reference for Committees or bodies of the Council, deciding on their composition and making or revoking appointments to them.
- To appoint representatives to outside bodies (unless the appointment has been delegated by the Council)
- Amendments to the political composition to be reported to next ordinary Council meeting for noting.
- To adopt the Schedule of Meetings for the ensuing year.
- To consider and adopt as appropriate, the recommendations of the Independent Remuneration Panel in respect of the Members' Allowance Scheme, and the level of allowances that can be claimed by members in respect of authorised or approved duties
- To make any decisions which would be contrary to the Policy Framework.
- To determine matters involving expenditure for which budget provision is not made or is exceeded.
- To determine matters which do not fall within the remit of any Committee or body.
- To determine matters affecting, or likely to affect, another Committee or where consultation with or approval of that other Committee is required.

- To determine any matters referred to it by a Committee in accordance with Procedure Rule 14.
- To make decisions concerning district boundaries, electoral divisions, wards or polling districts.
- To appoint the Head of Paid Service, Statutory Officers and Proper Officers
- To make, revoke or amend byelaws.
- To borrow money.
- To receive statutory reports from the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
- To determine whether or not to accept delegation from another local authority.
- To maintain a system of Internal control that identifies objectives and obligations, the risk of achievement of these objectives and obligations and controls to mitigate the risks
- To approve the Annual Governance Statement and to receive an annual report on the risk management process
- To approve the Treasury Management Strategy and Investment Strategy.
- To consider any matter required by law to be considered by Council.
- To make orders for grouping or ungrouping of Parish Councils, and to make appointments to vacant seats on Parish Councils where not quorate, and to make Community Governance Orders.

# **Terms of Reference for Committees and Sub-committees**

**Each Committee has delegated authority to decide matters within its terms of reference (except for those matters which are reserved for Council) set out below:**

# Audit Committee

## 1. Composition

### Membership:

**Number:** The Audit Committee will comprise **five Members** appointed under its normal procedures.

**Eligibility:** with the exception of the Chairman and Vice Chairman of the Hub Committee, all Members are eligible to be members of the Committee.

**Chairman:** cannot be the Chairmen of the Overview & Scrutiny Committees

**Co-optees:** The Committee may appoint co-opted members.

## 2. Responsibilities

To carry out the Council's responsibilities for the following areas:

### Audit

#### Internal Audit

- To consider and approve (but not direct) the Internal Audit Terms of Reference (Charter), Strategy and Audit Plans
- To consider:
- Progress on the Internal Audit Plan and summary of internal audit activity, opinions and findings
- The Internal Audit Annual Report including an opinion on the Council's overall control environment for the purpose of the Annual Governance Statement
- Reports dealing with the management and performance of the internal audit service providers (known as the 'effectiveness of the system on internal audit')
- Reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale (known as 'follow up')
- Reports on data quality to ensure that all performance information meets data quality standards
- The monitoring of the progress of Internal Audit plans including summaries of Internal Audit reports

To promote:

- internal control, including commissioning work from internal audit in association with the s. 151 Officer and monitor audit performance

and to make any necessary recommendations to the relevant Committee or Council in respect of the above.

### **External Audit**

To consider:

- The External Auditor's Annual Governance Report and other relevant external audit reports
- External Audit work to ensure that it gives value for money
- The External Audit plans
- Reports dealing with the management and performance of the external audit service providers
- Commission work (and other specific reports) from external audit as agreed with the External Auditor in association with the s151 Officer
- To liaise with the Audit Commission (or relevant government appointed body) over the appointment of the Council's External Auditor

### **Accounts**

- To review and approve the Annual Statement of Accounts and to consider whether appropriate accounting policies have been followed
- To consider the External Auditor's report on the annual audit of accounts

and to make any necessary recommendations to the relevant Committee or Council in respect of the above.

### **Regulatory Framework**

To:

- Maintain an overview of the Council's Constitution

- Recommend to Council the adoption of:
  - A Code of Corporate Governance
  - Antifraud, Corruption and Bribery Strategy
  - Anti Money Laundering Policy
  - Risk Management Policies
- Oversee the System of Internal Control and the process for producing the Annual Governance Statement (AGS) and approve the AGS on behalf of the Council with the Statement of Accounts.
- To monitor Value for Money (including benchmarking) and to make any necessary recommendations to the relevant Committee or Council in respect of the above.

### **Review and Scrutiny of Strategies**

To monitor:

- Risk Management Strategy
- The Assurance Framework (including System of Internal Control)
- Code of Corporate Governance
- Antifraud, Corruption and Bribery Strategy
- Anti Money-Laundering Policy
- Whistle-blowing Policy
- Treasury Management

and to make any necessary recommendations to the relevant Committee or Council in respect of the above.

### **2. Budget**

To have authority for spending within the allocated budget.

### **3. Review**

The Audit Committee will undertake an annual review of its performance as part of the system of internal audit.

# Development Management & Licensing Committee

## 1. Responsibilities

The Development Management & Licensing Committee is responsible for and authorised to consider and make determinations (with or without site inspection, subject to statutory and other appropriate consultation and subject to the concurrent exercise of powers by Officers under the Scheme of Delegation (set out in this Part of the Constitution) in the following areas:

### a) Planning

#### i) Development Management

- Advertisement Control.
- Agreements regulating the development or use of land.
- Applications by Local Planning Authorities.
- Authority to determine whether planning permission required.
- Certificate of Appropriate Alternative Development. (Land Compensation Act)
- Certificates of Lawful Use or Development.
- Consultations by Crown and Duchy.
- Discontinuance of use or alteration or removal of buildings or works.
- Electricity Supply Acts Consultations.
- Enforcement Control (including Planning Contravention Notices, Requisitions, Breach of Condition Notices, Stop Notices (including temporary stop notices) etc)
- General Planning Control including the determination of planning applications (including, where appropriate, site inspections).
- Land adversely affecting the amenity of the neighbourhood.
- Authorising Prosecutions
- Provisions as to compensation and provisions enabling an owner to require the purchase of an interest.
- Responding to Dartmoor National Park, and other neighbouring authority consultations.

- Responding to Statutory and other consultees
- Revocation or modification of planning permission.
- Telecommunication Mast Applications.
- To extinguish/divert public rights of way under the Town and Country Planning Acts and to make representations to other Authorities in relation to their exercise of these powers under that or other legislation.

## **ii) Conservation and Historic Buildings**

- Building Preservation Notices.
- Conservation Areas:
- Compulsory acquisition of buildings in need of repair and related powers.
- Historic Building Grants
- Listed Building Consents and Conservation Area Consents.
- Listed Building Enforcement.
- Revocation or modification of Listed Building Consent.
- Urgent repairs or works

## **iii) Community Landscaping**

- High Hedges
- Hedgerows
- To comment on consultations by the Forestry Commission.
- To offer grant aid for tree surgery to trees of public amenity importance within the financial limits set down in the Council's estimates.
- Tree Preservation Orders and related control and enforcement.

## **Relevant Statutory Powers**

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990

- Planning (Consequential Provisions) Act 1990
- Planning and Compensation Act 1991
- Planning Act 2008
- Planning and Energy Act 2008
- Localism Act 2011

or any new statutory enactment, statutory re-enactment, amendment or variation of any of them as from time to time determined by Parliament.

## **Planning Delegation - Development Management**

### **Definitions:**

- **CoP Lead:** Community of Practice Lead Specialist Development Management
- **In writing:** shall include email
- **DM&L Committee:** Development Management & Licensing Committee at West Devon Borough Council
- **Working days:** days which are not weekends or bank holidays
- **Planning Application:** full, outline and reserved matters only
- **Representation:** means representations from any source excluding internal consultees
- **Immediate family:** parent, spouse, child, sibling (including 'step' and 'adopted')

### **1. General Planning Delegation to Officers**

1.1 Subject to paragraph 1.2 below, the CoP Lead has delegated authority for all functions assigned to the P & L Committee under the Town and Country Planning Acts, Orders, and Regulations (as set out in Part 3 of the Council's Constitution and as amended from time to time) except those:

- a. Planning Applications
- b. Listed Building Consents
- c. Advertisement Consents
- d. TPO final confirmations (excluding emergency TPOs), and
- e. Works to TPO trees

Which:

- i. relate to the Council's own land
- ii. is an application submitted by a Councillor (or an immediate family member), (including Councillor as agent or professional advisor) or an Officer (or an immediate family member)

Or which in the opinion of the CoP Lead:

1. are of sub-regional or district-wide significance
2. ought to be determined by the DM&L Committee

1.2 In the case of planning, listed building, advertisement applications and TPO applications and confirmations, where any written representations are received, including those from a Parish or Town Council, which are contrary to the CoP Lead's recommendations and where the representations are considered material and relevant planning issues, the CoP Lead shall have delegated authority to determine these only where:

- a. agreement to issuing a delegated decision has been sought in writing from the Ward Member(s) and,
- b. no written request (supported by material planning reasons) to call the application to Committee has been received from the Ward Member(s) within the notification period. The notification period is defined as **three working days**, unless a Ward Member requests an extension of time (of up to 48 hours) and giving good reason for doing so. The notification period commences when the Ward Member has been notified of the request that a delegated decision be made.

## 2 Ward Members

2.1 Members can call to DM Committee, with material planning reasons,

- a. any Planning Applications
- b. Listed Building Consents
- c. Advertisement Consents
- d. TPO final confirmations (excluding emergency TPOs), and
- e. Works to TPO trees

with no contrary comment, by notifying the CoP Lead prior to the expiry of the public consultation period. Non Ward Members will only call in an application after consultation with Ward Member(s).

2.2 For the avoidance of doubt all Members in a multi-Member ward shall be notified /consulted by the CoP Lead

2.3 Unless a Ward Member requests an extension of time of up to 48 hours for a response, s/he must advise the CoP Lead of his/her views within **three working days of being notified.**

2.4 In the absence of a Ward Member consultation response within the permitted time frames, the CoP Lead shall determine the matter in accordance with the officer recommendation, without the Member's views.

2.5 Where a Ward Member is unavailable for consultation (for whatever reason e.g. holiday, DPI or other interest) then s/he should nominate an alternative member to carry out this role and notify Member Services accordingly in writing

### **3 Action on decisions of the DM&L Committee**

- 3.1 Where the Committee **approves** an application, the CoP Lead will issue the Approval Notice including such conditions as are reasonably required to give effect to the Committee's decision
- 3.2 Where the Committee **refuses** an application which the CoP Lead recommended should be approved, it shall give the reasons for the decision but the CoP Lead shall determine the precise wording of the reasons for refusal

### **4 Delegation in respect of Enforcement Action**

4.1 The CoP Lead has delegated authority to:

- a. decide that no breach has been found
- b. decide that it is not expedient to take enforcement action (in accordance with the Council's Enforcement Policy), unless notified by the Ward Member otherwise
- c. invite regularising Planning Applications where appropriate
- d. carry out all enforcement action (including but not limited to) issuing and serving Planning Contravention Notices, Untidy Site Notices, Stop Notices, Breach of Condition Notices and Building Preservation Notices, providing the relevant Ward Members are notified prior to such notices being issued or served
- e. issue Enforcement Notices in respect of which Ward Member(s) have been notified in writing allowing 3 working days (with an extension of up to 48 hours to be granted if requested with good reason) for Members to request, in writing supported by material planning reasons, that the proposed action is brought to the DM&L Committee for decision and no such request has been received
- f. take Prosecutions and Injunctions in respect of which Ward Member(s) have been notified in writing allowing 3 working days (with an extension of up to 48 hours to be granted if requested with good reason) for Members to request, in writing supported by material planning reasons, that the proposed action is brought to the DM&L Committee for decision and no such request has been received

**SAVE that** the Monitoring Officer has delegated authority to take a Prosecution or Injunction where the Council's position would be compromised if action is not taken urgently

4.2 The CoP Lead may refer complex matters to the Committee at his/her discretion, or where there are relevant budgetary implications.

### **5 Section 106 Agreements**

The CoP Lead may:

- a. authorise the execution of a section 106 agreement where required in advance of the grant of planning permission

- b. in consultation with the Ward Member(s), vary the terms of a section 106 agreement (or take such other action as necessary) to secure the objectives of the Committee which agreed the 106 agreement

#### **iv) Licensing**

#### **Responsibilities**

#### **Licensing Sub-Committee (taxis and other misc licenses)**

To be responsible for all of the Council's licensing functions

- To review and recommend to Council:
  - the Licensing Statement of Policy
  - the Gambling Statement of Principles
  - the Policy not to permit casinos
- To review and be responsible for all other Licensing Policies
- To determine whether to revoke or suspend a Hackney Carriage / Private Hire Driver or Private Hire Operator License
- To determine whether to refuse to grant a licence for the following licensing functions;
  - Street Trading Licence (South Hams)
  - Zoo Licensing
  - Sex Establishments
  - Houses in Multiple Occupation
- To determine such other applications as referred to the DM&L Committee by the Community of Practice Lead for Environmental Health.

#### **Licensing sub-committee (alcohol and gambling)**

a) Licensing sub-committees have the following responsibilities in relation to functions under the **Licensing Act 2003**:

- Applications for personal licences - if there is a police objection

- Applications for personal licences with unspent convictions – all cases
- Review of personal licences – if there is a police objection
- Applications for premises licence/club premises certificate – if a relevant representation is made
- Applications for provisional statement – if a relevant representation is made
- Application to vary premises licence/club premises certificate - if a relevant representation is made
- Applications to vary designated premises supervisor – if police objection made
- Applications for transfer of premises licence – if police objection
- Applications for interim authorities – if a police objection
- Applications to review premises licence/club premises certificate – all cases
- Decision to object when Council is a consultee and not relevant authority - all cases
- Determination of a police or Environmental Health objection to a temporary event notice - all cases

b) Licensing sub-committees have the following responsibilities in relation to the **Gambling Act 2005**:

- Application for **premises licence**: if a relevant representation has been made and not withdrawn
- Application for a **variation** to a licence: if a representation has been made and not withdrawn
- Application for a **transfer** of a licence: where representations have been received from the Gambling Commission
- Application for a **provisional statement**: if a representation has been made and not withdrawn
- **Review** of a premises licence
- Application for **club gaming/club machine permits**: where objections have been made and not withdrawn, or where refusal proposed
- **Temporary use notice**: Decision to give a counter notice, or where objection notice received
- **Fees**

### **Community of Practice Lead for Environmental Health**

Shall have the delegated authority:

- To determine whether to refuse to grant an application for Hackney Carriage or Private Hire Vehicle Licence.
- To determine in consultation with the Chair and Vice-chair of the DM&L Committee whether to revoke a Hackney Carriage or Driver licence in situations of urgency ('urgency' to be determined by the Community of Practice Lead for Environmental Health).

- To refer such applications which, in the opinion of the Community of Practice Lead for Environmental Health, should be determined by the Licensing Committee.
- To determine applications for Licences under the following areas of work not previously delegated to other committees or individuals;
  - Public Health (e.g. Animal Boarding Establishments, Dangerous Wild Animals, Pet Shop, Riding Establishments, Skin Piercing and other special treatments).
  - Public Safety (e.g. Alcohol and entertainment licences, personal licences, club premises certificates, Hypnotism licences, Gambling licences etc.)
  - Housing (e.g. Selective licensing of residential accommodation, Licensing of houses in multiple occupation, Licensing of camping sites, Licensing of caravan sites)
  - Environmental (e.g. Environmental Permits, Licensing of scrap metal dealers)
- To investigate complaints relating to licensed and licensable activities with the relevant powers of entry in order to undertake these investigation.
- To instigate informal or formal action in order to resolve complaints or unlicensed activities and take appropriate action or remedy.
- To undertake formal consultations on amendments to policy, (or fares in accordance with the Maximum Chargeable Fare setting policy South Hams only)
- Authority **to suspend licences** in situations of urgency where there are reasonable grounds to do so (where urgency is determined by the Community of Practice Lead for Environmental Health)

#### v) Local Land Charges

- To provide and administer a comprehensive Land Charges system.

#### 2. **Budget**

To have authority for spending within the allocated budget.

#### 3. **Fees**

To keep under review the fees and charges for the Committee's services where statutory authority exists for the levying of such charges and to levy the same where, in the opinion of the Chief Finance Officer, the levying of such charges will not give rise to a material adverse impact on the overall budget of the Council. In all other circumstances, the Committee to recommend the levying of fees and charges to the Hub Committee.

# Hub Committee

## 1. Composition

1.1. The **Hub Committee** shall comprise **9 Members** and shall be politically balanced

1.2. The **Chairman and Vice Chairman** shall be the Leader and Deputy Leader as appointed by the Council at the Annual Meeting

1.3. The remaining 7 Hub Committee members will be appointed annually by the Council at the Annual Meeting in accordance with the Hub Committee Member Role Profile (as determined from time to time by the Council) to the following areas of responsibility:

| <b>Hub Committee Member</b>         | <b>Area of Responsibility</b>  |
|-------------------------------------|--|
| Leader                              | Strategic Vision<br>Annual Budget<br>Our Plan<br>Democratic Services<br>LACC Company   |
| Deputy Leader                       | Policy Development<br>Partnership Arrangements   |
| Lead Member for Commercial Services | Waste and recycling<br>Waste Contract<br>Leisure Contract<br>Car Parks – service delivery  |
| Lead Member for Customer First      | Customer contact<br>Channel shift<br>Localities<br>Development Management Section 106 agreements<br>Environmental Health including Licensing |
| Lead Member for Economy             | Economic Development<br>Business Development<br>Capital Programme<br>Business Voice<br>LEP   |
| Lead Member for Environment         | Grounds Maintenance<br>Toilets<br>Cleansing<br>Building maintenance<br>Assets<br>AONB<br>Public Realm  |

|  |  |
|--|--|
| Lead Member for Health and Wellbeing           | Housing Advice<br>DFGs<br>Write-offs<br>Homelessness<br>Benefits<br>Council Tax                                |
| Lead Member for Resources and Performance      | IT<br>HR<br>Finance (excluding budget)<br>Legal Policy<br>Performance<br>Complaints<br>Data Protection and FOI |
| Lead Member for Strategic Planning and Housing | Strategic Housing<br>Local Strategic Plan<br>Neighbourhood Plans   |

1.4. **Substitution** (see Council Procedure Rule 10) is not permitted for the Hub Committee

1.5. The **Quorum** for the Hub Committee shall be **four** for the duration of the meeting.

1.6. The Hub Committee will usually have 10 meetings per year.

## 2. Speaking and Voting

2.1. All Borough Councillors can attend and speak, subject to prior notification being given to the Chairman of the Hub Committee (or the Vice Chairman if s/he is chairing). Only Hub Committee Members may vote.

2.2. Members of the public may speak only to ask questions at the start of the Hub Committee meeting (during the 15 minute public question time) provided that the question(s) has been submitted and received in writing by the Democratic Services Manager by 5 pm on the Thursday before the meeting and in accordance with any guidance currently in place.

2.3. Questions should:

2.3.1. Be related to something over which the Council has some control and is suitable to be considered (as determined by the Head of Paid Service)

2.3.2. Not normally be longer than 50 words in length

2.3.3. Not relate to specific planning, licensing or standards matters

### 3. Forward Plan

- 3.1. The Hub Committee will prepare a Forward Plan of its forthcoming business
- 3.2. The Forward Plan will cover a period of four months and be updated on a monthly basis
- 3.3. The Forward Plan will be circulated to all Members

### 4. Main responsibilities

- 4.1. To make decisions within the budget and policy framework approved by the Council
- 4.2. To play a key role in proposing the budget and policy framework to Council
- 4.3. To provide Leadership to the overall activities of the Council
- 4.4. To be responsible for those matters not reserved to Council or to the Council's other Committees or subcommittees for the time being, but to include those listed below.

### 5. Role and Responsibilities:

#### Finance:

- **Budget:** to keep under review and recommend to the Council:
  - the overall budgetary framework (to include both capital and revenue)
  - the allocation of finances to different services and projects,
  - proposed contingency funds,
  - decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits, loans.
- **Funding:** to take such action as might appear appropriate on new funding opportunities.

#### Commercial Services

- **Building Regulations:** To ensure buildings are safe, healthy, hygienic and energy efficient and to oversee the Council's Building Control Enforcement Service (see details on the joint Building Control Partnership and matters delegated to that body).
- **Other Building Control Services:** To administer the provisions relating to dangerous buildings; to promote the Council's policies and any relevant legislation relating to disabled access.
- **Leisure Services:**

- To facilitate and extend participation in sport and active recreation; to develop and manage leisure facilities.
- To oversee the swimming pool and leisure management contracts
- **Car Parking:** Provision, management and control of car parks, including any periodic reviewing of charges; civil enforcement of off-street parking.
- **Contract Services:** To oversee the waste management and street cleaning, grounds maintenance, public toilet cleaning contracts.
- **Clean Neighbourhoods:** to be responsible for matters relating to litter, refuse and graffiti
- **Graveyard Maintenance:** The maintenance and supervision of graveyards, cemeteries and crematoria.
- **Grounds Maintenance:** The provision of a grounds maintenance service.
- **Public Conveniences:** To provide and maintain public conveniences in the Borough
- **Waste & Recycling:** To promote the Council's policy with regard to recycling and waste minimisation in association with other agencies.
- **Refuse Collection and Street Cleansing:** The provision and administration of refuse collection and street cleansing services.
- **Refuse & Vehicle Disposal:** To ensure that any vehicle and other refuse abandoned is removed and disposed of.

### **Customer First**

- **Customer First:** overall responsibility for how the Customer contacts the Council, accesses its services, and Locality working.
- **List of Assets of Community Value:** to be responsible for matters relating to the List of Assets of Community Value and the Community Right to Bid

### **Economy**

- **Economic Prosperity:** To be responsible for the following services:
  - **Business Development and Regeneration:** to create places for enterprise to thrive and business to grow; strategic working with partner agencies and the private sector as appropriate; signpost business support opportunities; provide an information service on the availability of grants and premises.

- **Commercial Development:** To seek appropriate development on identified sites; to assist in maintaining and enhancing the viability of the main commercial centres of the Borough.

### Environment

- **Asset Management:** to determine all acquisitions and disposals of land and/or property and to be responsible for the overall management of the Council's assets.
- **AONB Management Plans:** review and amendment
- **Commercial Estate Management:** To manage the Council's employment sites and premises.
- **Energy Efficiency:** to oversee the Council's Environmental responsibilities and take such as action as appears necessary.
- **Engineering Services:** The provision of Engineering Services
- **Land Drainage:** To exercise the Council's functions in relation to Land Drainage.
- **National Environment and Rural Communities:** to exercise the Council's functions in relation to Biodiversity
- **Property and Equipment:** to consider and decide on strategic issues.
- **Rural Development and Countryside Services:** To promote rural development and regeneration and to liaise and lobby government and its relevant agencies; and to enhance people's enjoyment of the natural environment; to encourage sustainable transport projects; to encourage local distinctiveness projects.
- **Woodlands & Open Spaces:** To manage woodlands and other open spaces in Council ownership and control.

### Health & Wellbeing

- **Air Quality:** to carry out the Council's duties under local air quality management arrangements
- **Antisocial behaviour:** to be responsible for co-ordination of community safety partners in relation to anti-social behaviour
- **Children & Youth:** to be responsible for the Council's duties and powers in relation to children and youth
- **Civil Contingencies:** to be responsible for the review and implementation of Civil Contingencies (to include emergency planning).

- **Community Safety and well-being:** To be responsible for functions for dealing with improving community safety, crime, disorder, fear of crime, community improvement, working towards inclusive health and support services
- **Control of Pollution and Contaminated Land:** To administer the law, and exercise the Council's functions in respect of statutory nuisances, control of pollution and contaminated land.
- **Environmental Health:** to be responsible for all matters under the Environmental Protection Acts and Clean Neighbourhood legislation (including refuse, dogs, vehicles, and statutory nuisances).
- **Food Safety:** To be responsible for promoting responsible food management and to ensure compliance with food safety laws so that food intended for human consumption is safe and risk to consumer controlled, prepared hygienically so that the risk to the consumer is controlled.
- **Health and Safety:** To enforce Health and Safety at Work and other relevant legislation.
- **Health Education and other Health Services:** All matters relating to providing or promoting a quality environmental health service, better quality of life and health education.
- **Housing:** the discharge of Council's statutory and strategic housing role and duties including:
  - **Home Energy Conservation:** to discharge the Council's duties under Home Energy Conservation legislation
  - **Housing Advances:** to be responsible for the provision of housing advances for the purposes of house purchase or improvements.
  - **Housing Advice:** including work with other authorities and partners
  - **Housing Enabling:** To enable the provision of housing accommodation within the area; liaison with or by other agencies (including Partnership Agreements with Housing Associations, Housing Societies and Housing Trusts); assessing housing need and ensuring the availability of land to meet the Council's enabling role.
  - **Housing Policy and Strategy:** To set policy and determine a comprehensive housing strategy within the area. To produce an annual Housing Investment Programme.
  - **Homeless Persons:** To ensure that accommodation is secured for homeless persons and to meet the Council's statutory obligations under the housing legislation, together with the prevention of homelessness by an advice and assistance service, including direct action where appropriate.

- **Housing Aid and Advice:** Provision of a comprehensive housing aid and advice service.
- **Housing Register:** administration & maintenance of the housing register
- **Infectious Diseases:** To investigate and control of infectious diseases and food poisoning.
- **Monitoring** of Leisure Services and health and well-being outcomes
- **Pest Control:** To eradicate rodent and insect pests. To discharge the Council's responsibilities for the control of dogs and dog fouling.
- **Private Sector Housing:** To determine policy and oversee the delivery of disabled facility grants and private sector renewal grants/loans. To be responsible for the enforcement of housing standards as may be prescribed by legislation.
- **Private Sector Renewal Renovation Grants/loans:** To encourage the improvement of private housing stock to provide and administer a Private Sector Renewal Scheme.
- **Safeguarding children and vulnerable adults:** to be responsible for the Council's duties and powers in relation to safeguarding
- **Public Health:** to protect the health of the public using statutory powers and engage with other agencies in relation to public health
- **Water Quality Monitoring:** The administration of the provisions of the Water Industry Act 199 and other relevant regulations.

### **Resources and Performance**

- **Community Engagement:** to be responsible for the development and delivery of effective community engagement.
- **Community Transport:** to oversee the Council's input into the provision of transport to rural communities under agreed service level agreements
- **Corporate Complaints:** to be responsible for an overview of the Council's Complaints Policy
- **Our Plan - Corporate Planning Framework:** to keep under review and to recommend to Council:
  - The overall framework for the key strategies and plans which set out the direction for the Council.
  - The overall priorities of the Council.
  - Adoption of key corporate planning strategies and action plans

- Our Plan: Annual Delivery Plan
- **Corporate Policies:** to be responsible for the review and implementation of the Council's Corporate Policies not specifically delegated elsewhere or reserved to Council, and for making recommendations to Council where appropriate.
- **Data Protection and Freedom of Information:** to be responsible for Policy and the Council's duties and powers for data protection and FOI
- **Emerging issues:** to consider emerging issues or initiatives new to the Council and take such action as appears necessary.
- **Locality Service:** to review delivery and scope of Locality Service and to make any recommendations to Council
- **Grants:** to be responsible for the allocation of community and economy grants and loans, which are not determined through the delegation process.
- **Income Generation:** to oversee the Council's Income Generation Programme
- **Procurement** – to be responsible for procurement and procurement policy
- **Section 106 Community Contributions:** to determine the allocation of community contributions over £15,000
- **Strategies:** to be responsible for the review and implementation of all countywide and regional strategies.
- **Strategic Operational Matters:** to review activity and assess new opportunities for partnership or commercialisation
- **Partnerships:** to receive reports on the partnerships that affect the Council or the Borough and (where appropriate) take a view, give guidance to our partners or make recommendations to Council.
- **Transformation Programme:** to be responsible for overseeing the Council's transformation programme and making any necessary recommendations to Council
- **Voluntary Sector Funding agreements:** to be responsible for overseeing these agreements

### **Strategic Planning and Housing**

- **Lists of Assets of Community Value:** to be responsible for matters relating to the List of Assets of Community Value and the Community Right to Build.

- **Local Plan:** The preparation, maintenance and monitoring of an up-to-date Local Plan and making appropriate recommendations to Council within the context of Our Plan
- **Local Plan Policy documents:** to be responsible for Supplementary Planning Documents, Policy Position Statements, Codes of Practice and Policy Guidance
  - **Neighbourhood and Community Plan Areas:** to support communities in the preparation of Neighbourhood Plans and Orders and Community Plans and agree Plan Areas.
  - **Neighbourhood Plans, Orders, and Community Right to Build:** to consider and monitor and make any necessary recommendations to Council
  - **Planning and Development Policies:** To formulate and represent the views of the Borough in relation to the formulation of National, and other planning and development policies, including a duty to co-operate and work with other local authorities.
- **Street Naming Numbering:** To ensure that adequate arrangements are made to name and number streets.

### **Cross Service responsibilities**

- **Services:** to exercise general supervision for the following services not specifically referred to above:
  - Communications and Media
  - Member Support
  - Elections: to deal with any matters relating to the electoral arrangements of the Borough, electoral registration, Borough elections, the boundaries of the Borough, and to make any necessary recommendations to Council.
  - Corporate Planning and Strategic Finance
  - Customer First
  - Commercial Services
  - Support Services
- 2. **Legislation:** The exercise of all statutory powers and duties of the Council in respect of all environmental health and food safety legislation.
- 3. **Budget:** To have authority for spending within the allocated budget for matters within the Hub Committee's remit.

### **4. Fees**

To keep under review the fees and charges for the Committee's services where statutory authority exists for the levying of such charges and to levy the same where, in the opinion of the Chief Finance Officer, the levying of such charges will not give rise to a material adverse impact on the overall budget of the Council. In

all other circumstances, the Committee to recommend the levying of fees and charges to Council.

# Overview and Scrutiny Committee

Please refer to the Overview & Scrutiny Procedure Rules in Part 4 of the Constitution for details on composition, membership, eligibility, powers and duties.

## 1. Terms of Reference – General Role

1.1. The Council will appoint an Overview & Scrutiny Committee that will:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- make reports and/or recommendations to the Council and any committee or joint committee in connection with the discharge of any functions;
- consider any matter affecting the area or its inhabitants;
- make reports and/or recommendations to the Council and/or its Committees and/or any joint committee on matters which affect the Council's area or the inhabitants of that area;
- exercise the right to Call-in, for reconsideration, decisions made (but not yet implemented) by the Hub Committee;
- be able to appoint and discontinue Task and Finish Groups in accordance with its annual work programme; and
- be able to work in conjunction with the South Hams District Council Overview and Scrutiny Panel to avoid any duplication of effort and unnecessary inconsistencies in policy and findings between the two councils.

## 2. Specific functions

The Overview and Scrutiny Committee may:

### 2.1. Overview

- (i) review existing policy and recommend changes to such policy or to recommend the creation of new policy;
- (ii) assist the Council in the development of its Budget and Policy Framework and any policies it chooses to adopt;;
- (iii) conduct research, involve the community and carry out other consultation in the analysis of policy issues and possible options;
- (iv) consider and implement ways to encourage and enhance community participation in the development of policy options;

- (v) question Members of committees and senior officers about their views on issues and proposals affecting the area; and
- (vi) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

In so doing, the Overview & Scrutiny Committee will be able to:

- (a) Select significant issues to investigate, which are both strategic and linked to the Council's Corporate Priorities;
- (b) Undertake pre-investigation project planning: drawing up terms of reference, plan for research methods to be used, timescales, officer support and reporting mechanisms;
- (c) Involve partners, the public and outside experts: this can take the form of presenting orally or in writing evidence around the topic under investigation;
- (d) Report findings and make evidence based recommendations to the appropriate Committee; and
- (e) Follow up on action agreed to ensure that Overview & Scrutiny Committee decisions have been implemented.

## **2.2. Scrutiny**

- (i) hold the Hub Committee Members to account;
- (ii) review and scrutinise the performance of Committees and decisions made both in relation to individual decisions and over time;
- (iii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iv) question lead Members and/or Chairmen of committees and senior officers about decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects when necessary;
- (v) exercise the right to call-in, for re-consideration, decisions made by the Hub Committee but not yet implemented by any committee, where appropriate (see Procedure Rules in Part 4);
- (vi) make recommendations to the appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (vii) review and scrutinise, with or without others, the performance and activities of other public bodies in the area on any relevant, general or specific issue; and
- (viii) question and gather evidence from any person (with their consent) when necessary.

### **2.3. Partnership arrangements**

The Overview & Scrutiny Committee shall be responsible for the monitoring of partnership arrangements in accordance with the Council's Partnership Policy.

### **2.4 Public Forum Procedures**

#### **(a) General**

Members of the public may raise issues and ask questions at meetings of the Overview and Scrutiny Committee. This session will last for up to fifteen minutes at the beginning of each meeting.

#### **(b) Notice of Questions**

An issue or question may only be raised by a member of the public provided that they have given written notice (which may be by electronic mail) to Member Services ([member.services@swdevon.gov.uk](mailto:member.services@swdevon.gov.uk)) by 5.00pm on the Thursday, prior to the relevant meeting.

#### **(c) Scope of Questions**

An issue may be rejected by the Monitoring Officer if:

- it relates to a matter within the functions of the Development Management & Licensing Committee;
- it is not about a matter for which the local authority has a responsibility or which affects the Borough;
- it is offensive, frivolous or defamatory;
- it is substantially the same as a question which has previously been put in the past six months; or
- it requires the disclosure of confidential or exempt information.

### **2.5 Finance**

The Overview & Scrutiny Committee shall exercise overall responsibility for the finances made available to it.

### **2.6 Annual report**

The Overview & Scrutiny Committee shall report annually to Council on their workings and make evidence based recommendations for future work programmes and amended working methods if appropriate.

### **3 Proceedings of Overview and Scrutiny Committee**

The Overview & Scrutiny Committee will conduct its proceedings in accordance with the [Overview & Scrutiny Procedure Rules](#) set out in Part 4 of this Constitution.

# Standards Committee

## Composition

### 1. Membership of the Standards Committee

- 1.1. The Standards Committee shall comprise five Members of the Council
- 1.2. The Chairman and Vice Chairman shall be appointed by the Council in accordance with the Council's Procedure rules in Part 4 of the Constitution.
- 1.3. The Standards Committee may co-opt up to two parish / town council representatives from a parish/town council in the Borough

### 2. Membership of Sub-committees of the Standards Committee

- 2.1. The Standards Committee shall appoint sub-committees of three members to deal with specific standards complaints in accordance with the Dealing with (Standards) Complaints Policy and Hearing Policy
- 2.2. Sub-committees will consult (where co-opted) parish / town councillors on decisions relating to town or parish councillors

### 3. Quorum for the Standards Committee and its sub-committees:

- 3.1. **Three** members for the duration of the meeting.

### 4. Roles and functions of the Standards Committee

- 4.1. To promote and maintain high standards of conduct by Councillors and co-opted Members;
- 4.2. To assist Councillors and co-opted Members to observe the Members' Code of Conduct;
- 4.3. To advise the Council on the adoption or revision of the Members' Code of Conduct, and on matters relating to the ethical conduct of the Council and its Members;
- 4.4. To advise and train Councillors and co-opted Members on matters relating to the Code of Conduct;
- 4.5. To grant dispensations to Borough Councillors (and where relevant, co-opted Members to the Borough Council) from requirements relating to Disclosable Pecuniary interests in the following circumstances:
  - 4.5.1. Where so many members of the decision-making body have a Disclosable Pecuniary Interest that Political Balance would be affected
  - 4.5.2. It is in the interests of the inhabitants that a dispensation be granted, or

4.5.3. It is appropriate to grant a dispensation

4.6. The Monitoring Officer can grant dispensations where so many members have a Disclosable Pecuniary Interest that it would impede the transaction of the business of the Council

4.7. The Monitoring Officer (in consultation with the Chairman and Vice-Chairman) or the Standards Sub-committee can grant dispensations in cases 4.5.1 – 4.5.3 where it would not be expedient to wait until the next scheduled Standards Committee meeting

4.8. To consult the Independent Person(s) in accordance with the Dealing with Complaints Policy and Hearing Policy.

4.9. To be responsible for the Dealing with Complaints Policy and Hearing Policy.

4.10. To consider complaints alleging a breach of the Code of Conduct by Borough Councillors (and any co-opted members where relevant) and those members of town and parish councils in the Borough of West Devon as referred by the Monitoring Officer.

4.11. To receive Investigation reports and to carry out hearings (including sanctions) in respect of allegations of misconduct for Borough members (and co-opted members where relevant) and town/parish council members and to recommend sanctions or other recommendations/actions.

## **5. Roles and functions of the Standards sub-committees**

5.1. To consider complaints alleging members' breach of the Code of Conduct as referred by the Monitoring Officer

5.2. To receive investigation reports and carry out Hearings (including consideration of sanctions or other actions) in respect of allegations of misconduct

## **Budget**

To have authority for spending within the allocated budget.

## **DELEGATION TO OTHER COUNCIL BODIES**

### **Council Tax Setting Panel**

The **Council Tax Setting Panel** shall comprise four Members including the Leader, Deputy Leader, Leader of the Opposition, and the Mayor (or their specifically nominated substitutes) and shall meet annually following the Council's agreement of the budget for the forthcoming year following the notifications set out below.

The **Council Tax Setting Panel** has the following functions:

- To exercise delegated authority to set the level of Council Tax in accordance with the Council's agreed budget
- To undertake the task of setting the level of Council Tax following notification from Devon County Council, Devon & Cornwall Police Authority, Devon and Somerset Fire & Rescue Authority and each Parish / Town Council of their individual precepting requirements

# **Delegation to Senior Officers**

## **Matters reserved for Council or Committee**

1. Subject to **urgent items** (see paragraph 2 below), the following matters shall be referred to the relevant Committee or Council, where appropriate.

Any matter which:

- (a) is strategic in nature (as determined by Senior Management Team); or
- (b) requires a new policy; or
- (c) requires an alteration to an existing policy (other than a minor amendment); or
- (d) would be contrary to the Policy Framework; or
- (e) involves expenditure, or a reduction in income, for which there is no sufficient budgetary provision; or
- (f) is an issue of principle as determined by the Senior Leadership Team; or
- (g) in the opinion of the Head of Paid Service or Monitoring Officer, cannot in law or in accordance with the Constitution be decided by an Officer; or
- (h) upon which a Committee has requested a report; or
- (i) a Member has requested an item to be put on an agenda under Procedure Rules 12 and 13; or
- (j) in the opinion of the officer concerned, should be determined by a Committee; or
- (k) is reserved to the Development Management & Licensing Committee
- (l) Is reserved to the Council

## **Urgent Items**

2. Matters of urgency, as determined by the Head of Paid Service (or in his absence another Senior Officer) shall be delegated to the relevant officer in consultation with the Chairman and Vice-Chairman of the appropriate Committee subject to a report being made to the next meeting of the appropriate Committee.

## **Authority for Officers to Act**

3. 'Senior Officers' include Executive Directors, Group Managers, s151 Officer, Community of Practice Specialist Leads, Lead Specialists, Managers (Level 3) and Monitoring Officer.
4. Throughout the Constitution references to:
  - Executive Directors shall include Executive Director of Strategy & Commissioning (HoPS) and Executive Director of Service Delivery & Commercial Development
  - Section 151 Officer and Chief Finance Officer shall include the Community of Practice Lead Specialist (Finance) or her nominated Deputy
  - Former Heads of Services shall include Group Managers, Community of Practice Lead Specialists, Lead Specialists and Level 3 Managers
  - Throughout the Constitution references to Community of Practice Leads and Lead Specialists shall also include Heads of Practice and Heads of Services
  - Middle Managers shall include Community of Practice Lead Specialists, Lead Specialists and Level 3 Managers
6. Subject to those matters which are reserved for Council or Committee (see paragraph 1 above) **all Senior Officers** shall be responsible and shall have **delegated authority** for the **day-to-day operation and management** of his/her Group / service area and of the services and land for which s/he is responsible.
7. Any matter not reserved for Council or Committee (i.e. any matter falling outside the criteria contained in paragraph 1 above) shall be regarded as falling within the day-to-day operation and management of the relevant department and shall be delegated to the appropriate Senior Officer and shall be exercised in accordance with the principles of delegation.
8. **All Senior Officers** are appointed across both West Devon Borough Council and South Hams District Council and shall have authority to:
  - issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties (provided that any written authority to enter upon the land or premises shall be in pursuance of a statutory power of entry or inspection)\*\*
  - to nominate officers to deputise in their absence
  - call for and accept quotes and tenders within the Contract Procedure Rules
  - to act as Proper Officer for their service

\*\* to be recorded in a separate record held by the relevant Community of Practice or other Lead Specialist / Manager

5. In the absence of the Monitoring Officer or section 151 Officer, any officer duly appointed by them to act as their deputy may exercise any of the powers or duties delegated to the Monitoring Officer or Section 151 Officer.
6. Delegations to Senior Officers in respect of **financial matters** are set out in the Financial Procedure Rules (Part 4 of the Constitution).
7. Delegations to Senior Officers in relation to the letting of **contracts** are set out in the Contract Procedure Rules (Part 4 of the Constitution).
8. Delegations to Senior Officers in respect of **land and premises** are set out in the Financial Procedure Rules.
9. The **Council's Monitoring Officer / Community of Practice Lead Specialist (Legal)** shall be responsible for signing / sealing all the Council's Official Documents (unless otherwise specifically delegated). In her absence, any other Lawyer employed by The Councils may carry out these functions, or in their absence a Senior Officer.
10. All Communities of Practice Specialist Leads / Level 3 Managers / Lead Specialists are responsible for considering and issuing a formal caution in respect of any matter for which they are responsible. In the absence of the Community of Practice Lead/ Manager/Lead Specialist this can be carried out by his/her nominated deputy or the relevant Group Manager.
11. All Senior Officers are responsible for authorising, signing and issuing Notices and all other documentation (save for legal proceedings) for those matters for which they have responsibility.
12. The Head of Paid Service shall be the Proper Officer for any function of the Council in the absence of any other appointment (or in the absence of that Officer for any reason) as specified within this Delegation Scheme.
13. Where the Council is required to institute or defend legal proceedings, authority must be first obtained from the Monitoring Officer.
14. Officers are authorised to attend Court in relation to Revenue & Benefit proceedings, RIPA applications and sundry debts.

## **Delegation to Specific Senior Officers**

### **Delegation to the Executive Director of Strategy & Commissioning**

The **Executive Director of Strategy & Commissioning (Head of Paid Service)** shall have delegated authority for the following:

- Head of Paid Service functions
- Strategy & Commissioning, including overarching responsibility for the services, functions and roles of the following:
  - Business Development Group Manager
  - S151 Officer
  - Communications and Media Lead Specialist
  - Strategy & Commissioning Managers
  - Democratic Services Lead Specialist
  - Elections Senior Specialist
  - Performance and Intelligence
  - Corporate Risk
  - Governance
  - Corporate planning
  - Strategic finance
  - Strategic IT
  - Community Delivery
  - Democratic support and Member development
  - Corporate Procurement Officer (shared with South Hams and Teignbridge District Council)
- External partnerships
- Transformation programme
- Senior Information Risk Officer
- Senior Responsible Officer (RIPA)
- Safeguarding Children & Vulnerable Adults Officer
- Electoral Registration Officer and Returning Officer (West Devon)
- Deputy Electoral Registration Officer (South Hams)

### **Delegation to the Executive Director of Service Delivery & Commercial Development**

The **Executive Director of Service Delivery & Commercial Development** shall have delegated authority for the following:

- All of the powers of the Head of Paid Service to act in his absence
- Service Delivery & Commercial Development, including overarching responsibility for:
  - Commercial Services
  - Customer First

- Support Services
- Transformation Programme
- Electoral Registration Officer and Returning Officer (South Hams)
- Deputy Electoral Registration Officer (West Devon)

### **Delegation to the Monitoring Officer**

The Monitoring Officer shall have delegated authority for the following:

- Monitoring Officer issues (including, but not limited to, those matters set out in Article 9)
- Standards
- Conduct of legal proceedings on behalf of the Council as its Solicitor
- Legal Services

### **Delegation to the s151 Officer**

The s151 Officer shall have delegated authority for the following:

- Strategic Finance
- Finance
- Matters set out in the Financial Procedural Rules
- To act as the Proper Officer relating to financial matters in the Local Government Acts and Finance Acts

### **Delegation to Group Managers**

The Council is completing its staff restructure and during this process there may be an overlap of delegated responsibilities between:

- the posts previously designated as Heads of Service / Middle Managers and
- Group Managers (Level 2), Community of Practice Specialist Leads, Lead Specialists and Managers (Level 3).

until the restructure is complete.

### **Delegation to the Business Development Group Manager**

The **Business Development Group Manager** shall have delegated authority for:

- Strategic Asset Management
- Management of Performance and Intelligence

## **Delegation to the Commercial Services Group Manager**

The **Commercial Services Group Manager** shall have delegated authority for the following services and functions:

- Responsibility and Management of the Commercial Services Group
- Overarching responsibility for the services, functions and roles of the following Leads, Managers and service areas:
  - Operational Manager (Environment)
  - Operational Manager (Waste)
  - Lead Specialist Recycling & Waste
  - Building Control and Services
  - Areas of Outstanding Natural Beauty
  - Ferries and Harbours
  - Localities

## **Delegation to the Customer First Group Manager (Customer First responsibilities)**

The **Customer First (Group Manager)** shall have delegated authority for the following services and functions:

- Responsibility and management of the Customer First Group
- Overarching responsibility for the services, functions and roles of the following Communities of Practice, Leads and Managers and service areas:
  - Community of Practice Lead Specialist – Development Management
  - Community of Practice Lead Specialist – Environmental Health
  - Community of Practice Lead Specialist – Housing, Benefits & Revenues
  - Community of Practice Lead Specialist – Assets
  - Community of Practice Lead Specialist – Place Making
  - Customer First Managers (Level 3)
  - Contact Centre Manager
  - Customer First and Customer Services
  - Website development
  - Street Naming & Numbering

## **Delegation to the Customer First Group Manager (Support Services responsibilities)**

The **Customer First Group Manager** shall have delegated authority for the following services and functions:

- To be the Council's Data Protection Officer
- Responsibility and management of the Support Services Group
- Overarching responsibility for the services, functions and roles of the following Communities of Practice, Leads and Managers:

- Community of Practice Lead Specialist – Legal
- Community of Practice Lead Specialist – Human Resources
- Community of Practice Lead Specialist – Finance
- Community of Practice Lead Specialist – Information Technology
- Support Services Specialist Manager
- Audit
- Customer Support (internal)
- Support Service Case Management and payroll

### **Delegation to the Senior Leadership Team**

The Senior Leadership team shall be responsible for approving the setting of the Council Tax base

### **Delegation to Community of Practice Specialist Leads, Lead Specialists and Managers**

#### **Strategy and Commissioning Group**

#### **Delegation to Communications & Media Lead Specialist**

The **Communications & Media Lead Specialist** shall have delegated authority for the following:

- Communications (Internal and External)
- Communications Strategy
- Media and social media

#### **Delegation to the Senior Specialist Democratic Services**

The **Senior Specialist Democratic Services** shall have delegated authority for the following:

- Democratic Support Services
- Member Development

#### **Delegation to Elections Senior Specialist**

The **Elections Senior Specialist** shall have delegated authority for the following:

- Elections

#### **Delegation to Lead Specialist - Place & Strategy**

The **Lead Specialist for Place & Strategy** shall have delegated authority and responsibility for the following:

### **Delegation to Lead Specialist - Recycling and Waste**

The **Lead Specialist for Recycling and Waste** shall have delegated authority for the following:

- Strategic responsibility for recycling and waste services including:
  - Recycling
  - Waste collection
  - Commercial waste services
  - Transport and waste / recycling haulage
  - Health & Safety

## **Commercial Group Services**

### **Delegation to Operational Manager – Waste**

The **Operational Manager (Waste)** shall have delegated authority for the following operational services and functions:

- Recycling
- Waste collection – domestic and commercial waste services
- Marketing and service design
- Transport and waste / recycling haulage
- Health & safety

### **Delegation to Operational Manager – Environment**

The **Operational Manager (Environment)** shall have delegated authority for the following operational services and functions:

- Car parking
- Building maintenance
- Dog fouling and stray dogs
- Grounds maintenance
- Public conveniences
- Cleansing services (internal and external)
- Abandoned vehicles
- Environmental enforcement
- Markets
- Events management
- Ferry operation
- Stores
- Facilities Management

### **Delegation to the Salcombe Harbour Master (SH only)**

The **Salcombe Harbour Master** shall have delegated authority for the following:

- Salcombe and Kingsbridge estuary
- In-house management of Harbour Authority assets
- Marine byelaw enforcement
- Beach, marine and water safety
- Prevention and management of marine oil pollution

### **Customer First Group**

#### **Delegation to Community of Practice Lead Specialist – Assets**

The **Community of Practice Specialist Lead for Assets** shall have delegated authority for the following:

- To be the Council's **Corporate Property Officer**
- **Estates/Assets** - to include:
  - In-house management of operational assets
  - Estates management
  - Valuations
  - Strategic Asset Management
  - Asset Delivery Programme
- Matters set out in relation to Assets in the Council's **Financial Procedure Rules**
- **Engineering** - to include:
  - Engineering services – commercial
  - Civil engineering (drainage, flood, coastal and fluvial)
  - Asset Capital Programme Management
  - Coastal protection statutory functions
  - Flood Protection statutory functions
- **Natural Environment, Countryside and Leisure** – to include:
  - Policy and management of parks, green space, play area and outdoor sport
  - Grounds maintenance (client)
  - Place Making
  - Leisure Services

#### **Delegation to Community of Practice Lead Specialist – Development Management**

The **Community of Practice Specialist Lead for Development Management** shall have delegated authority for the following:

- **Development Management** (as set out in the Planning Committee remit) including:
  - Development management

- Pre-application advice
- Enforcement and Prosecution
- Conservation and historic buildings
- Planning Policy (Development Management)
- Land Charges

### **Delegation to Community of Practice Lead Specialist- Environmental Health**

The **Community of Practice Lead Specialist for Environmental Health** shall have delegated authority for the following:

- **Environmental Protection and Licensing:**
  - Emergency planning and response
  - Contaminated land
  - Nuisance
  - Private water supplies
  - Licensing (licences, enforcement, advice)
  - Community Safety
  - Antisocial behaviour
- **Environmental Health – business:**
  - Food safety and enforcement
  - Inspections
  - Approved premises
  - Infectious disease control
  - Health and safety (regulatory)
  - Fatalities /accidents
  - Health and safety (internal functions /corporate liability)
  - Inspections / enforcement
- **Housing and Health**
  - Private sector housing and enforcement
  - Houses in multiple occupation
  - Disabled facilities grants
  - Private sector renewal – loans / grants
  - Caravan sites
  - Public Health / Health and well-being
  - Fuel poverty
  - Home energy conservation
  - Empty homes
- Management of **out of hours service** (including homelessness and emergency planning)

In relation to Licensing functions the Community of Practice Lead for Environmental Health shall have authority:

- To determine whether to refuse to grant an application for Hackney Carriage or Private Hire Vehicle Licence.
- To determine in consultation with the Chair and Vice-chair of the DM&L Committee whether to revoke a Hackney Carriage or Driver licence in situations of urgency

('urgency' to be determined by the Community of Practice Lead for Environmental Health).

- To refer such applications which, in the opinion of the Community of Practice Lead for Environmental Health, should be determined by a Licensing Sub-Committee.
- To determine applications for Licences under the following areas of work not previously delegated to other committees or individuals;
  - Public Health (e.g. Animal Boarding Establishments, Dangerous Wild Animals, Pet Shop, Riding Establishments, Skin Piercing and other special treatments).
  - Public Safety (e.g. Alcohol and entertainment licences, personal licences, club premises certificates, Hypnotism licences, Gambling licences etc.)
  - Housing (e.g. Selective licensing of residential accommodation, Licensing of houses in multiple occupation, Licensing of camping sites, Licensing of caravan sites)
  - Environmental (e.g. Environmental Permits, Licensing of scrap metal dealers)
- To investigate complaints relating to licensed and licensable activities with the relevant powers of entry in order to undertake these investigation.
- To instigate informal or formal action in order to resolve complaints or unlicensed activities and take appropriate action or remedy.
- To undertake formal consultations on amendments to policy, (or fares in accordance with the Maximum Chargeable Fare setting policy - South Hams only)
- **to suspend licences** in situations of urgency where there are reasonable grounds to do so (where urgency is determined by the Community of Practice Lead for Environmental Health)

The **Community of Practice Lead Specialist for Environmental Health** shall act as the **Proper Officer** in respect of the signing of all appointments and authorisations of authorised officers or Inspectors appointed under legislation relevant to environmental health, food safety, health and safety, housing and licensing and also the signing of authorisations of other persons to accompany authorised officers or Inspectors (including Consultants or other agencies where appropriate) and to be given discretion to specify which powers under the relevant legislation are to be exercised by particular authorised officers or Inspectors.

**Delegation to Community of Practice Lead Specialist - Housing, Benefits and Revenue**

The **Community of Practice Specialist Lead for Housing, Benefits and Revenue** shall have delegated authority for the following:

- **Vulnerable customers – safeguarding and child protection:**
  - Identification and protection
- **Business rates:**
  - Collection and enforcement
  - Billing
  - Government submissions
  - Pool membership
  - Policy
- **Housing Benefit:**
  - Assessment of claims
  - Collection and recovery
  - Subsidy maximisation
  - Discretionary housing payments
- **Housing, Options & advice**
  - Prevention and homelessness
  - Choice based letting
  - LDWSF
  - Direct lets
  - Administration & maintenance of the Housing Register for allocation of social housing
- **Council tax and non-domestic rates:**
  - Collection and enforcement
  - Billing
  - Government submissions
  - Council tax reduction
  - Exceptional hardship fund
- **Fraud:**
  - Maximising income
  - Recovery

### **Delegation to Lead Specialist - Place Making**

The **Lead Specialist for Place Making** shall have delegated authority and responsibility for the following:

- Strategic Planning
  - Local Plan and Local Development Framework, SPDs
  - Infrastructure planning and delivery
  - Supporting neighbourhood planning
- Economic Development:
  - Regeneration
  - Development
  - Business engagement
- Housing enabling:
  - Affordable housing

- Specialist housing needs
- Community Development
  - Assets of Community Value
- Corporate planning
- Natural Environment:
  - Areas of Outstanding Natural Beauty and South Devon AONB Partnership
  - Tree and Hedge protection
  - Protected landscapes and landscape character
  - Biodiversity conservation and enhancement
  - Green infrastructure and Healthy Communities Partnerships

### **Delegation to Locality Manager**

The **Locality Manager** shall have delegated authority for the following (in conjunction as necessary, with the relevant Community of Practice Leads, Leads and Managers for Assets, Environmental Health, Development Management, Housing, Revenues & Benefits, Place & Strategy, and the Operational Managers for Waste and Environment).

- Managing Locality workers and the Locality Team who will have the following responsibilities ranging across the Customer First and Commercial Services functions and services:
  - Site inspections from public land or where invited on to private land
  - Posting site notices and serving notices
  - Initial investigations and assessments, evidence gathering and preliminary interviews
  - Monitoring and compliance – contracts, repairs and assets
  - Customer visits
  - Enforcement
  - Liaison role

### **Delegation to Customer First Specialist Manager**

The **Customer First Specialist Manager** shall have delegated authority and overarching responsibility for the Community of Practice Lead Specialists for:

- Assets,
- Development Management,
- Environmental Health,
- Place Making
- Housing Revenues & Benefits.

## **Support Services group**

### **Delegation to Community of Practice Lead Specialist - Legal**

The **Community of Practice Specialist Lead for Legal** shall have delegated authority for the following:

- Legal Services
- Monitoring Officer (see above)

### **Delegation to Community of Practice Lead Specialist – Human Resources**

The **Community of Practice Specialist Lead for Human Resources** shall have delegated authority for the following:

- Human Resources services
- Recruitment and resourcing
- Employee relations
- Employee Learning and Development
- Employment law

### **Delegation to Community of Practice Lead Specialist - Finance**

The **Community of Practice Specialist Lead for Finance** shall have delegated Authority for the following:

- Strategic Finance
- Finance
- Budget setting (capital and revenue)
- Income and expenditure
- Financial Statements
- Investments, taxation and insurance
- To act as the Council's s151 / Chief Finance Officer as the Proper Officer relating to financial matters in the Local Government Acts and Finance Acts
- Matters set out in the Council's Financial Procedure Rules for Head of Finance & Audit / Finance CoP /151 officer

### **Delegation to Community of Practice Lead Specialist - ICT**

The **Community of Practice Specialist Lead for ICT** shall have delegated authority for the following:

- ICT Services
- Infrastructure design and delivery
- Business systems design and delivery
- Information security management and delivery

### **Delegation to the Internal Audit Service**

The Internal Audit Service is an independent appraisal function that objectively examines, evaluates and reports on the adequacy of internal control. Management of the Council's Internal Audit function is carried out by **Devon Audit Partnership** together with the Council's Internal Audit Officers. The **Internal Audit Service** shall have delegated authority and responsibility for the following:

- Review the Council's financial and management systems and must act if fraud or corruption is found. Internal Audit will also comment on how to achieve better value.
- Carrying out audits of Council functions and in the proper exercise of their duties, the Internal Audit Service have the right to:
  - Access to all records, documents and correspondence held by or on behalf of the Council;
  - Require from staff co-operation and such explanations as are necessary;
  - Require any Council employee to produce cash, stores or any other Council property under their control;
  - Investigate irregularities
  - Liaise with Police and other enforcement agencies under the Accounts and Audit Regulations 2006.

### **Delegation to the Corporate Procurement Officer**

The **Corporate Procurement Officer** (shared officer between South Hams, Teignbridge and West Devon) shall have delegated authority for the Council's Procurement and Contract Services and advice

### **Delegation to the Devon Building Control Partnership and Commercial Services Group Manager**

The Commercial Services Group Manager has overarching responsibility for Building Control Services. The **Devon Building Control Partnership** has delegated authority to exercise on behalf of the Council such statutory duties or powers conferred on the Council by the following enactments and any enactments amending or replacing them and also any regulations, orders, bylaws and other subsidiary legislation made under the following enactments.

For the avoidance of doubt the functions conferred by this scheme of delegation shall include:

- Appointment and/or authorisation of officers to exercise statutory functions
- Undertaking of inspections, investigations, interviews, service of notices, notifications, consultation responses, and legal proceedings under the legislation applicable thereto set out below, and to exercise all other relevant powers, including powers of entry provided under such legislation.

- Determination of applications, service of notice, exercise of powers in default and recovery of expenses.
- The institution of legal proceedings including the issuing of formal cautions.
- Exercise of powers of entry.
- The production and operation of a Scale of Building Regulation Charges that will comply with the Building (Local Authority Charges) Regulations 1998.
- Setting of fees and charges which it has discretion to levy.

List of Enactments:

- The Building Act 1984 and regulations made under that Act, including the Building Regulations 1991 (as amended), the Building Regulations 2000 together with the Fire Precautions Act 1971
- Local Government (Miscellaneous Provisions) Act 1982
- Town Improvement Clauses Act 1847 and the Public Health Act 1925
- Town and Country Planning Act 1990
- The Fire Safety and Places of Sport Act 1987
- Licensing Act 2003
- Party Wall etc Act 1996
- The Building (Local Authority Charges) Regulations 1998
- The Building (Approved Inspectors etc) Regulations 1985 and The Building (Approved Inspectors etc) Regulations 2000

**Note:** the above list of enactments is also to include any subsequent amendments or new legislation to the acts listed that are introduced.