

Report to: Council

Date of Meeting 10 December 2025

Heading/Title: Changes to the Constitution – Part 3 – Officer Scheme of Delegation

Cabinet Member(s): Communications and Democracy (Councillor Sarah Jackson)

Director/Assistant Director: Governance (Melanie Wellman)

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Key decision No

If a Key Decision has it appeared on Forward Plan N/A

Document classification: Part A Public Document

Exemption applied: None

Report Summary and Recommendations/Decision

The report includes an update on amendments to the Council's Constitution following a review of the Constitution by the Constitution Working Group.

In accordance with the Council's Constitution Full Council is responsible for the changes to the Constitution.

The Officer Scheme of Delegation – Part 3 has been updated to reflect changes made to job titles and recent changes to the Directorate reorganisations. The Officer Scheme of Delegation is set out in Appendix 1 and the proposed changes are set out in the document. The revised Officer Scheme of Delegation – Part 3 has been considered by the Constitution Working Group and it is recommended that Council approves them.

RECOMMENDATIONS:

That the Council:

1. Approves the Officer Scheme of Delegation – Part 3, to be included in the Council's Constitution.

2. Delegates authority to the Monitoring Officer in consultation with the Portfolio Holder for Communications and Democracy to make any minor drafting changes to the Officer Scheme of Delegation – Part 3, prior to publication on the Council’s website.

1. Background

Updating of the Constitution

- 1.1 The Constitution Working Group has been carrying out a phased review of key elements of the Constitution over a series of working group meetings.
- 1.2 The Constitution Working Group was set up in 2024 at Annual Council to review the Constitution. The Constitution Working Group is a cross-party membership consisting of:

Councillor Sarah Jackson (Chair & PFH for Communications & Democracy), Councillors Paul Arnott, John Loudoun, Tim Dumper, Mike Goodman, Jenny Brown, Mike Howe, Peter Faithfull and Kim Bloxham and officer support is provided by the Monitoring Officer and Democratic Services Team.
- 1.3 The Officer Scheme of Delegation – Part 3 sets out details of the delegations and provides clarity on the powers and responsibilities delegated by the Council and its committees to officers, ensuring that decisions are taken effectively, lawfully and in accordance with approved policies.
- 1.4 The Protocol is set out at Appendix A.

2. Reasons for Recommendations/Decision

- 2.1 It is important that the Council’s Constitution is regularly reviewed to ensure that it remains fit for purpose and meets the Council’s requirements.
- 2.2 This report recommends the approval of the Officer Scheme of Delegation – Part 3.

3. Options

- 3.1 As this is a requirement of legislation and the Council’s Constitution no other options were considered.

4. Relevance to Council Plan/priorities

Set out how report links to the Council Plan/priorities:

- ☒ A supported and engaged community that has the right homes in the right places, with appropriate infrastructure.
- ☒ A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- ☒ A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.

- ☒ A well-managed, financially secure and continuously improving council that delivers quality services.

Having an up-to-date Constitution ensures the Council is able to support its Council Plan and priorities through the governance arrangements set out in the Constitution.

5. Financial Comments/Implications

- 5.1 There are no financial implications arising from this report.

6. Legal Comments/Implications

- 6.1 Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

7. Risk Implications

- 7.1 It is important that the Council keeps its Constitution up to date to reflect best practice and any changes in legislation.

8. Equality Implications (Public Sector Equality Duty)

- 8.1 No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

9. HR and Workforce Implications

- 9.1 There are no HR and Workforce implications arising from the recommendations in the report.

10.2 Community Safety Implications (Crime and Disorder)

- 10.1 There are no Community Safety Implications arising from the recommendations in this report.

11. Climate Change Implications

- 11.1 There are no Climate Change implications arising from the recommendations in this report.

12. Health & Safety and Health & Wellbeing Implications

12.1 There are no public health, health and safety or health and wellbeing implications arising from the recommendations in this report.

12.2 There are no safeguarding issues that may arise from the recommendations in the report.

13. Procurement and Social Value implications

13.1 There are no procurement and social value implications arising from the recommendations in this report.

14. Land and Buildings (non-housing)/Asset Management Implications

14.1 There are no land and buildings/asset management implications arising from the recommendations in this report.

15. Overview and Scrutiny Committees Comments/Recommendations

15.1 N/A.

16. Digital and Data

16.1 N/A

17. Consultation and Engagement

17.1 Consultation on the proposals from the Constitution Working Group has been undertaken with the Directors and Assistant Directors.

18. Communications

18.1 Subject to approval by full Council the Council's website will be updated.

19. Next Steps

19.1 To update the Council's website to reflect the recommendations arising from this report.

20. Appendices

Appendix 1 – Officer Scheme of Delegation – Part 3.

21. Background Papers

21.1 None.

Section 3: Delegated Powers of Officers

General Provisions

- 1.1. In this Constitution references to Senior Officers are references to the Chief Executive (reference to whom shall for the avoidance of any doubt also include any interim Chief Executives), ~~the Monitoring Officer, the Chief Finance Officer and Directors~~ (including the Monitoring Officer and Chief Finance Officer). For the avoidance of doubt it is confirmed that a Director may exercise the delegated powers of the Chief Executive ~~in cases of urgency~~ in his/her ~~their~~ absence or other unavailability.
- 1.2. A Senior Officer and (where specified) an Assistant Director ~~or Corporate Lead~~ or other person is authorised to exercise such powers as are shown in this scheme of delegation including those reasonably implied or reasonably incidental to the matters specified. Every such power shall be exercised in the name of the Council. Where a power is shown to be exercisable by a Senior Officer and an Assistant Director ~~or Corporate Lead~~ then any ~~either~~ of them may exercise the said power.
- 1.3. Exercise of the powers is without prejudice to the right of the Council and/or the Cabinet to withdraw or amend any such power, and the person with a delegated power may decline to exercise it and refer the decision to the appropriate body.
- 1.4. In addition to these delegated powers, powers are also exercisable by staff through Financial Regulations, Contract Standing Orders, and elsewhere in this Constitution.
- 1.5. The delegated powers shall be exercised in accordance with Council policy and Standing Orders, Financial Regulations and any other guidance given by a Senior Officer.
- 1.6. Another officer nominated by either a Senior Officer or Assistant Director ~~or Corporate Lead~~ may also exercise any power delegated to that Senior Officer or Assistant Director ~~or Corporate Lead~~.
- 1.7. The Chief Executive (or in his ~~their~~ absence a Director) may also exercise all powers set out in this scheme.
- 1.8. Where a power delegated to an officer is expressed to be exercisable in consultation with the Chair of a Committee, in the absence of that Chair the consultation shall take place with the Vice-Chair.
- 1.9. A reference to any statute or regulation or similar includes any subsequent amendment or replacement.
- 1.10. In the event of any position ceasing to exist following reorganisation, changes of job title or responsibilities the delegated powers set out herein for that role and any specific delegation given by the Council acting through one of its committees shall be exercised by the Senior Officer who has for the time being been allocated the statutory functions relevant to the power being exercised.
- 1.11. ~~The Deputy Monitoring Officer is the Principal Solicitor and the Deputy S.151 Officer is the Financial Services Manager or such officers as the Council may from time to time appoint.~~

Senior Officers

- 1.12. To take urgent decisions in consultation with either the Leader or Deputy Leader of the Council or the relevant Committee Chair in any case where it is not practicable to refer the matter to a meeting of the Council, the Cabinet or other Committee. Any Senior Officer other than the Chief Executive taking an urgent decision shall notify the Chief Executive at the time of carrying out the consultation. A report on any major decision taken shall subsequently be made and the decision shall in any event be based on a written report that contains an assessment of the legal, financial and all other relevant implications.
- 1.13. To exercise all powers and duties delegated to them so far as the law permits. There is also a delegation to carry out all statutory powers and duties, so far as the law permits, relating to the statutory functions in their remit in the absence of a specific delegation to an officer, Portfolio Holder or committee.
- 1.14. To authorise and issue any documents for the purposes of any of the Council's functions, including all court proceedings.
- 1.15. To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of ~~his/her~~ **their** service subject to compliance with the Council's policies on the management, employment and remuneration of staff (or in their absence the agreement of the Head of Paid Service) including but without prejudice to the generality of the foregoing:
- a) The appointment of staff within the approved budget and in accordance with the Council's grading policy for his/her service;
 - b) The taking of any disciplinary action, including suspension or dismissal of an employee, after consultation with the Head of Paid Service;
 - c) The approval of changes to the establishment structure subject to existing budgetary provision, and the approval of the Head of Paid Service;
 - d) Consent or Refusal of consent to Officers in their respective Services ~~above SCP-30~~ who make application to engage in any other business or to take up any other additional appointment to the work of the Council.
- 1.16. To administer formal cautions within the Guidelines set out in ~~relevant the~~ **relevant** the Ministry of Justice Guidance ~~'Simple Cautions for Adult Offenders' effective from 13 April 2015 (or any new Guidelines from time to time issued by the Ministry of Justice)~~ in consultation with the Monitoring Officer or any Solicitor employed by the Council.
- 1.17. To serve such Notices as might be necessary to enable duly authorised persons to obtain entry to premises to permit or facilitate the carrying out of any of the powers or duties of the Council or the Cabinet and in the event of such entry being refused to take such proceedings as might be necessary to effect such entry.
- 1.18. To exercise statutory powers of entry and inspection for the purposes of any functions performed by his/her service.
- 1.19. To require information as to ownership of land or premises and, in the event of such information not being provided to institute such proceedings as might be necessary to obtain such information.
- 1.20. To authenticate any documents necessary for the exercise of the delegated powers described above.

- 1.21. To sign Statements of Truth in civil proceedings as required by ~~Part 22 of the Civil Procedures Rules 1998~~.
- 1.22. To appoint consultants, ~~suppliers~~ and contractors ~~up to a contract value of £100K~~ within budgetary provision .
- 1.23. Authority to reimburse (up to a limit of £250) a claim for loss or damage to an employee's property arising during the course of their employment.
- 1.24. In consultation with the relevant Portfolio Holder to enter into Memorandums of Understanding where what is covered is within the scope of the service.
- 1.25. In consultation with the relevant Portfolio Holder to submit bids for funding which fall within the scope of the service and, in consultation with the Directors of Governance ~~and Licensing~~ and Finance, to enter into any related documentation for any funding secured. ~~This delegation is subject to approval of the submission of bids by the Executive Leadership Team.~~
- 1.26. To make minor amendments to policies to reflect changes in legislation, statutory fees, organisational changes and / or to address any other incidental matter.

Consultation

- 1.27. All officers exercising a delegated power are expected to consult with the appropriate Cabinet Member or Committee Chair where any doubt arises as to the exercise of a function delegated to that Officer.
- 1.28. All officers exercising a delegated power are expected to consult with the local Ward councillors where the exercise of a function delegated to that Officer would significantly affect a person or group of persons resident in that councillors Ward or otherwise be of particular importance or significance to that Ward as opposed to residents of the district generally.
- 1.29. Special arrangements for consultation with Ward ~~Members~~ ~~Councillors~~ on planning applications are set out in the delegations to the Chief Executive.

1.30. Powers delegated to the Chief Executive

- 1.30.1. To determine applications for all licences or registrations (other than those specifically falling to be dealt with by the Director of Housing, Health and Environment ~~or Director of Governance and Licensing~~).
- 1.30.2. In consultation with the Chair or Vice Chair of the Licensing and Enforcement Committee to amend, as necessary from time to time, the regulations prescribing standard conditions for sex establishments.
- 1.30.3. To issue proceedings arising from failure to provide returns and declarations as to expenses ~~and/or report the matter to the police~~ in connection with ~~District and Parish Council~~ elections. ~~Move to Director of Governance~~
- 1.30.4. To exercise those functions relating to elections as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in paragraphs 2, 7, 10, 12, 13, 14, 16, 17, 18, 19, 20.

- 1.30.5. To exercise those functions relating to community governance as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in paragraphs 1, 2, 3, 5, 6, 7, 8, 9.
- 1.30.6. To exercise those functions relating to local government pensions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in paragraph 1.
- 1.30.7. In consultation with the Leader of the Council and the Portfolio Holder for Finance and Council and Corporate Coordination authority to agree individual staff redundancies (other than any relating to a Chief Officer) in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Cabinet, the Overview and Scrutiny Committees and Audit and Governance Committee.
- 1.30.8. To authorise in writing such Officer or Officers of the District Council as the Chief Executive may from time to time decide as an Authorised Officer or Officers for all or some of the purposes of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 and for such officer or officers to act in pursuance thereof.
- 1.30.9. To give the Council's consent or consultation response (as appropriate) under Section 31 Anti-Social Behaviour Act to a proposed police authorisation or proposed withdrawal of authorisation under Section 30.
- 1.30.10. To make a closure order in relation to premises where a premises licence or temporary event notice has effect under the Licensing Act 2003 and he believes that a public nuisance is being caused by noise coming from the premises and its closure is necessary to prevent that nuisance; to cancel such closure order; and to authorise an environmental health officer to exercise such power or duty, under sections 40 and 41 of the Anti-Social Behaviour Act 2003.
- 1.30.11. To serve a closure notice on the person having control of or responsibility for the activities carried on at the premises if satisfied the premises is or has been used for the unlicensed sale of alcohol for consumption on or in the vicinity of the premises, and to make application to a justice of the peace for a closure order following service of a closure notice, under sections 19 and 20 of the Criminal Justice and Police Act 2001.
- 1.30.12. To make an order for the temporary appointment of **Town**/Parish Councillors under section 91 of the Local Government Act 1972.
- 1.30.13. Authority to approve the absence of a Member from attending meetings of the Council for a period longer than 6 months on the provision of a justifiable reason.
- 1.30.14. In consultation with the Chair or Vice-Chair of the Planning Committee, the **Town**/Parish Council and the Ward Member(s), power to determine requests for street naming. **Move to Director of Place**
- 1.30.15. To take appropriate action (including issuing notices and taking relevant decisions) to administer the First Homes scheme in relation to any property secured as such through a S106 agreement in accordance with agreed Council policy.

Move following under the Director of Place

The following relate to Planning and Building Control and are also exercisable by Assistant Director Planning ~~Strategy~~ and Development ~~Management~~

- 1.30.16. Authority, in common with other Senior Officers where appropriate and in consultation with the relevant Portfolio Holders, to take appropriate action in those cases where to await Committee authorisation would result in unreasonable delay in taking action to issue or serve such notices, proceedings or licences as are within the purview of the Committee concerned and fall to be dealt with by the Officer in so far as such issue or service is not already authorised or delegated.
- 1.30.17. Authority in consultation with the Chair or Vice-Chair of the Planning Committee ~~to take~~ emergency action under the Building Act 1984 and Building Regulations, the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Government (Misc. Provisions) Act 1976 and all associated legislation including prosecution ~~except where such action would result in the expenditure of money by the Council.~~
- 1.30.18. Authority to serve notices to recover expenses under section 55 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.30.19. Power to serve counter notices of the Council's requirements as to demolition arrangements, in accordance with S.8 of the Building Act 1984, on persons giving notice of intention under the Act to carry out a demolition.
- 1.30.20. Power to determine Building Regulations matters including service of notices, and applications including dispensations and relaxations except where major policy decision or objection from consultee.
- 1.30.21. Power to serve Notices to uncover works under the Building Act 1984 and Building Regulations.
- 1.30.22. Power to take emergency action in relation to dangerous structures.
- 1.30.23. The unquestioned right to bring before the Planning Committee matters which it is considered the Committee should decide or of which they should be made aware.
- 1.30.24. General Authority to enter, survey, examine and inspect premises and land for the purpose of determining whether any powers should be exercised or statutory notices served, monitor the progress of works, ascertain whether the requirements of a notice served or an undertaking accepted or conditions imposed have been complied with and to designate and issue authorisations in writing to officers of the Authority for these purposes as a consequence of the following legislation (as amended): Town and Country Planning Act 1990; Planning (Listed Buildings and Conservation Areas) Act 1990; Building Act 1984; Part 8 of the Anti-Social Behaviour Act 2003 (in respect of high hedges).

Determining planning applications

1.30.25. The types of application are:

a) 'Minor' Applications which comprise;

- 1 to 9 dwellings (or the number of dwellings is not specified in the application), for full or outline planning permission (where site area is less than 0.5 Ha.) or for approval of reserved matters for residential development of the same size;
- Approval of reserved matters for up to 9 dwellings as a phase of a larger development;
- All types of office development of less than 1000 sq.m. floor area or less than 0.5 Ha;
- All types of industrial development – general, light, storage and warehousing, research and development of less than 1000 sq.m. floor area or less than 0.5 Ha;
- All types of retail development of less than 1000 sq.m. or less than 0.5 Ha;
- Gypsy and traveller sites up to 9 pitches;
- Small development such as stable blocks outside the curtilage of a dwelling;
- Other minor developments

b) 'Major' Applications which comprise;

- Applications for the following which exceed the size limitations set out under 'Minor' applications;
- Residential development;
- Offices, research and development;
- All industrial development;
- All retail and commercial development;
- Gypsy and traveller sites;
- Large scale leisure and recreation proposals;
- Other major applications

c) 'Other' Applications comprise;

- Householder (excludes flats) extensions or development within the curtilage of a dwelling;
- Changes of use (where no operational development is involved or such work is Permitted Development);

- Advertisement Consent (including those dealt with by Quality Councils);
- Listed Building Consent for internal and external alterations and demolition;
- Conservation Area Consent;
- Notifications relating to Trees in Conservation Areas;
- Works to TPO trees;
- Agricultural notifications for new buildings and agricultural or forestry related works (but not dwellings);
- Certificates of appropriate alternative development;
- Notifications under the Hedgerow Regulations;
- Telecommunication notifications under the General Permitted Development Order;
- Hazardous substances notifications

1.30.26. **Ways of determining applications:** Applications can be determined solely by officers under delegated powers, by officers under delegated powers in consultation with the Chair (or Vice Chair in the absence of the Chair) of Planning Committee (“Chair’s Delegations”) or by the Planning Committee. Subject to paragraph 3.27.27 (Applications that must be determined by Committee) below applications shall be determined as follows;

- ‘Other’ Applications: If, prior to a decision being taken, the Ward Member expresses a contrary view from the officer recommendation and such view is on the basis of material planning considerations then the Ward Member will receive a copy of the draft report and the application will be considered at Chair’s Delegations where the Chair shall decide if the application is to be referred to the Planning Committee or whether it shall be determined at Chair’s Delegations. Where the Ward Member is in agreement with the officer recommendation notwithstanding any contrary views to the officer recommendation expressed by consultees, Parish Councils/Town Councils, neighbours or other interested parties the application will be determined under delegated powers by the Assistant Director Planning Strategy and Development Management.
- ‘Minor’ Applications: If both the Town Council / Parish Council and the Ward Member agree with the officer recommendation then the application is delegated to the Assistant Director Planning Strategy and Development Management. If, prior to the decision being taken, the Ward Member expresses a contrary view to the officer recommendation **and such view is on the basis of material planning considerations**, then the application shall be considered by the Planning Committee. If the Ward Member is in agreement with the officer recommendation but the Town Council / Parish Council expresses a contrary view then the application will be determined at the Chair’s Delegations.

- 'Major' Applications: May be determined at Chair's Delegations where officers have recommended the application for approval on the basis it is in accordance with the development plan or for refusal on the basis it is considered contrary to adopted policies and in either case where, prior to the decision being taken, no contrary view has been expressed by the Ward Member or the Town or Parish Council. Otherwise the application should be determined by the Planning Committee.
- NOTE: In the event that a planning application in which the Council has a financial interest is capable of being determined under delegated powers that decision may only be taken by the Assistant Director Planning **Strategy** and Development **Management**

1.30.27. Applications that must be determined by the Planning Committee are where:

- Applicant is a district councillor or an officer (of any service within the Council) or is a close relative of a district councillor or an officer (of any service within the Council);
- The application relates to land owned by a district councillor or an officer (of any service within the Council);
- Application where the Assistant Director Planning **Strategy** and Development **Management** is recommending a material departure from adopted policy (applications which are not material departures include where (i) the relevant local plan policy to which a departure is proposed is out of conformity with the National Planning Policy Framework; or (ii) the application relates to an already approved scheme where the principle of development is accepted, is still capable of implementation and only minor changes are proposed; or (iii) the application relates to the conversion of listed buildings and the proposal complies with paragraph 79 of the NPPF in terms of representing the optimal viable use of a heritage asset; or (iv) extensions to residential curtilages within the countryside; or (v) the application relates to a scheme where the principle of development is accepted through the prior approval procedure);
- There are financial implications for the Council (e.g. EDDC is the applicant/landowner) and the officer recommendation is in conflict with any comments **relating to material planning considerations** received on the application from a member of the public, a statutory consultee, a Town or Parish Council or a Ward Member;
- Any application referred at the discretion of the Assistant Director Planning **Strategy** and Development **Management** and / or at the request of the Chair of Planning Committee following Chair's Delegations.
- Note: 'close relative' in this section means either; (i) a spouse or civil partner, a person living with the district councillor or officer as husband or wife or living with them as if they are civil partners, or (ii) a parent, sibling or child (or the spouse / civil partner or someone living with them in that capacity of any of these persons) of the district councillor or the officer.
- Note: Non-material amendment applications are excluded from the operation of this paragraph.

1.30.28. Ward ~~Members~~ **Councillors** have the following opportunities to comment on applications:

- Where a Ward ~~Member~~ **Councillor** has commented on an application within the initial 21 day consultation process, s/he will receive a further 3 working days consultation with the draft report following which the application will be determined in accordance with the delegated powers detailed above;
- Ward ~~Members~~ **Councillors** will automatically be sent the draft report if the Officer's view is contrary to the view of the Town/Parish Council on 'minor' applications with an invitation to the Chair's Delegations where the matter will be discussed;
- Ward ~~Members~~ **Councillors** will be sent a copy of a draft report and given notification of any application in their Ward which will be discussed at a Chair's Delegations with at least 3 working days' notice

1.30.29. Other planning delegations to Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ are :

- Appropriate assessment under the Habitats Regulations;
- Environmental Impact Assessment screening and scoping opinions;
- Notifications under Circular 14/90 (overhead lines and electrical plant);
- Notifications by other statutory bodies for permitted development works;
- Certificates of lawful use for existing development, following consultation with the Director of Governance ~~and Licensing~~;
- Certificates of lawful use for proposed development;
- Non-material and minor amendment applications;
- Discharge of conditions;
- Footpath diversion orders, unless there is an objection to the diversion from a Ward Member, in which case the application shall be referred to the Planning Committee;
- Consultation responses to other authorities on development and policy proposals;
- Service of planning contravention notices;
- Obtaining independent viability appraisals;
- Obtaining independent agricultural appraisals;
- To determine all applications for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015 other than where there is an objection from a ward member in relation to one or more of the relevant technical issues being considered under that application in which case the application be determined in consultation with the Chair of the Planning Committee;
- To agree to requests from external bodies and council departments, in consultation with the Chair of Planning Committee and the relevant Ward Member(s), to withdraw requests for planning obligations where these have previously been a requirement of a

resolution of the council but have not yet formed part of an engrossed Section 106 agreement and the relevant body or council department no longer consider it to be necessary. [No amendments as a result of viability issues to be considered under the delegated powers];

- Deeds of variation where the change complies with the adopted policy of the Council, unless a ward member takes a contrary view to the officers within 3 working days of receipt of a draft report detailing officers' views. In the event of a contrary view being taken the matter will be reported to the Chair's Delegations for decision. Where any change included in a deed of variation does not comply with policy the decision on the variation will be considered at the level of the original decision on the application;
- To amend and add to the conditions and heads of terms contained within any report on an application considered by the Planning Committee or the Chair's Delegations where such changes do not conflict with the purpose of the draft condition or heads of terms, unless a Ward member takes a contrary view to the officers within 3 working days of receipt of a draft report detailing officers' views. In the event of a contrary view being taken the matter will be reported to the Chair's Delegations for decision;
- To determine which non-designated heritage asset should be included on the Council's Local List.
- Deeds of variation to amend mortgagee exemption clauses in line with the securitisation working group template clause in consultation with the Chair of the Planning Committee.
- To suggest modifications to planning policy documents to the Planning Inspectorate as required to address concerns and issues raised by the Inspector through the plan examination process.
- to agree and enter into planning performance agreements, service level agreements and similar performance related documentation.

1.30.30. Telecommunication notifications: Where the Assistant Director Planning **Strategy** and Development **Management**/Ward Member/Town/Parish are in agreement (or no comment received within the response period) the decision is delegated to the Assistant Director Planning **Strategy** and Development **Management**. If any contrary view has been submitted from any of these parties these notifications are to be considered at the Chair's Delegations.

1.30.31. County Matter applications: Where there are no objections raised by Planning Officers such applications to be delegated to the Assistant Director Planning **Strategy** and Development **Management**. In the case of an objection by Planning Officers this to be subject to consultation with the Chair or Vice Chair in his absence and Ward Member(s) for consideration and decision under delegated powers.

1.30.32. Neighbourhood Areas: Authority to designate, in consultation with the Leader of the Council and Ward Member(s), Neighbourhood Areas where the area proposed to be designated is contiguous with the **Town**/Parish boundary and there are no strategic sites contained within the area proposed to be designated.

1.30.33. Legal action covers

- No formal consultation with **Town**/Parish Councils.

- The decision whether to take enforcement action and issue related notices to be delegated to the Assistant Director of Planning Strategy and Development Management in consultation with the Director of Governance ~~and Licensing~~.
- The decision to take direct action and court injunctions is delegated to Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ in consultation with the Director of Governance ~~and Licensing~~ and Chair/Vice Chair.
- Issuing of a Stop Notice to be delegated to the Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ in consultation with the Director of Governance ~~and Licensing~~.
- To confirm no further action is to be taken where a material breach of the legislation has been identified to be delegated to Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ in consultation with Chair/Vice Chair ~~Town/Parish Councils~~ and Ward ~~Members Councillors~~ to be notified of any agreed action or where no action is to be taken.

1.30.34. Community Infrastructure Levy covers:

- Authority to progress the service of notices in connection with the operation of the Community Infrastructure Levy Regulations 2010 for the collection of monies;
- Authority to determine whether to take any enforcement action under Community Infrastructure Levy Regulations 2010 following the non-payment of any liability

1.30.35. Notes on interpretation of delegated planning powers are:

- Expressions of “concern” or “preference” are not material planning reasons, or objections, neither are requests for “Site Inspection” or “reference to Committee”
- A decision of approval cannot be delegated if it involves a substantial departure from the provisions of the Development Plan and requires reference to the Secretary of State

Matters which the Assistant Director Planning ~~Strategy~~ and Development ~~Management~~, in consultation with the Chair/Vice-Chair of the Planning Committee, consider are of such interest, importance or controversy that the Planning Committee should determine them can be so referred.

1.31. **Powers delegated to the Monitoring Officer**

1.31.1. To decide whether or not in relation to remedies in the Complaints Procedure, financial compensation should be paid.

1.31.2. To grant dispensations to ~~Members~~ ~~Councillors~~ to allow them to participate in matters where they have a Disclosable Pecuniary, Other Registerable and / or Non-Registerable Interest under the Code of Conduct on the following grounds:

- (a) That without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of

any vote on the matter.

- 1.31.3. To discharge those functions related to Standards and the Localism Act 2011 ~~as approved by Council on 27 June 2012 and as may be subsequently varied by Council.~~
- 1.31.4. To discharge duties relating to the Community Right to Challenge ~~set out in the report to Cabinet dated 28 November 2012.~~
- 1.31.5. To update the Constitution as and when required to:
 - (a) comply with any statutory requirements, and;
 - (b) to make changes to the Councillors listed in Article 2 and details in the name and description of area of wards and number of councillors to reflect any in year changes;
 - (c) revise Article 6 in relation to any changes made to portfolio holders, assistant portfolio holders, portfolio names and areas of responsibility and make any consequential amendments to the Leader's Scheme of Delegation to Portfolio Holders and Delegated Powers of Officers so that any specific powers align to changed portfolios.
- 1.31.6. To revise the Membership of Committees to reflect the wishes of any group to make minor in year changes to their appointments.
- 1.31.7. To ~~establish and revise Portfolio Teams as necessary in consultation with Group Leaders and to~~ revise as appropriate the makeup of the Panels, Forums and Joint Bodies when there are changes to the Portfolios or Assistant Portfolio positions in year.
- 1.32. **Powers delegated to the Director of Finance**
 - 1.32.1. To provide all necessary information regarding the Council Tax base and precepts except where the determination must be made by the Council.
 - 1.32.2. To implement systems and procedures across the Council necessary to comply with the Director of Finance's role as the Authority's Chief Finance Officer (s151 officer) including the operation of an internal audit function.
 - 1.32.3. ~~To enter into business rate pooling arrangements.~~

The following relate to Revenues and Benefits and are also exercisable by Assistant Director Revenues and Benefits

- 1.32.4. The administration and payment of Housing Benefit ~~(rent allowances and rent rebates)~~ and the Council Tax Reduction Scheme and all related functions.
- 1.32.5. The administration, collection, ~~and~~ recovery ~~and enforcement~~ of Council Tax and all related functions.
- 1.32.6. The administration, collection and recovery of Business Rates and all related functions.
- 1.32.7. The administration, collection and recovery of Housing Benefit overpayments ~~and all related functions.~~

- 1.32.8. To carry out officer reviews of council tax, housing benefit and Council Tax Reduction Scheme decisions in accordance with regulations.
- 1.32.9. To undertake ~~Housing Benefit, Council Tax Reduction and other~~ fraud investigations linked to Council Services and to make appropriate determinations including ~~issuing sanctions and penalties~~ **and other sanctions**, and to take such proceedings as may be necessary subject to consulting with the Director of Governance ~~and Licensing~~ where appropriate.
- 1.32.10. The administration, collection and recovery of sundry debts due to the Council and all related functions.
- 1.32.11. To take such proceedings as may be necessary to recover monies due to the Council ~~subject to consulting with the Director of Governance and Licensing~~.
- 1.32.12. To write off bad and irrecoverable debts relating to the Revenue and Benefits function within financial limits determined by the Director of Finance.
- 1.32.13. To award discretionary Council Tax and Business Rate reliefs and Government Grant Schemes which are in line with agreed Council Policy or in line with Government Guidance which falls outside existing policy in consultation with the Finance Portfolio Holder and where costs are recovered from Government.
- 1.32.14. To appoint enforcement agents for the recovery of outstanding debts **including those related to S106 and community infrastructure levy payments and to refer debts to enforcement agents or collection agencies.**

The following relates to general matters and civil parking enforcement and are also exercisable by the ~~Financial Services Manager Corporate Lead Finance~~

- 1.32.15. To write off bad and irrecoverable debts and stores other than those which might involve action by the External Auditor.
- 1.32.16. To raise and repay loans to the Council in accordance with the Treasury Management Strategy and at such rates of interest as appear reasonable.
- 1.32.17. To make investment in respect of fund balances in accordance with the Treasury Management Strategy and at such rates of interest as appear reasonable.
- 1.32.18. To make payments on behalf of the Council as necessary.
- 1.32.19. In consultation with Senior Officers to effect such insurances as are considered necessary.
- 1.32.20. To determine any matters in relation to applications for grants that are ancillary to the scheme approved by the Council.

The following car parking delegations to also be exercisable by the Director of Place

- 1.32.21. Authority to take any action in connection with civil parking enforcement, including the service of notices and the removal of vehicles.
- 1.32.22. To exercise the Council's powers and duties under the Traffic Management Act 2004 and Road Traffic Regulation Act 1984.
- 1.32.23. To manage, patrol and collect income from Council car parks.

- 1.32.24. Authority to amend the Parking Places Orders including charges for car parking permits and car parking tariffs except where the changes are more than minor and where any objections made to such changes cannot be overcome or where the charges / tariffs would be increased by more than 5%.
- 1.32.25. In consultation with the portfolio holder, agree alternative temporary uses of car parks.
- 1.32.26. In consultation with the portfolio holder, to offer special rate car parking charges.
- 1.32.27. Authority to enter into lease arrangements for individual car parking spaces in the Council's car parks.

The following relates to Authority for Court Attendance

- 1.32.28. Authority under Section 223 of the Local Government Act 1972 for the following officers to prosecute or defend on the Council's behalf, or to appear on the Council's behalf in proceedings for the recovery of Council Tax or Non-Domestic Rates before a Magistrates Court: Director of Finance Assistant Director Revenues and Benefits Manager, **Council Tax Manager, Revenues Manager** and Team Leader posts within Revenues and Benefits Further officers may be authorised by the Chief Executive, Monitoring Officer or Deputy Monitoring Officer.

The following relate to Property matters and are also exercisable by the Assistant Director Place, Assets & **Commercialisation-Leisure**

- 1.32.29. Authority to serve notices under the Landlord and Tenant Act 1954 where there is no reason to oppose an application for the renewal of a tenancy and the proposed new tenancy falls within the criteria set out in paragraph 3.29.32 below.
- 1.32.30. Authority (after consultation with the relevant Portfolio Holder) to serve notices under the Landlord and Tenant Act 1954 where there is no reason to oppose an application for the renewal of a tenancy and the proposed new tenancy falls within the criteria set out paragraph 3.29.34 below.
- 1.32.31. Authority (after consultation with the relevant Portfolio Holder) to serve notices under the Landlord and Tenant Act 1954 opposing the renewal of a tenancy agreement.
- 1.32.32. Authority to negotiate renewal terms following receipt of a notice under the Landlord and Tenant Act 1954 offering the Council a new tenancy where the term/premium payable/rent payable under the Council's proposed new tenancy fall within the limits set out in paragraph 3.29.32 below.
- 1.32.33. Authority (after consultation with the relevant Portfolio Holder) to negotiate renewal terms following receipt of a notice under the Landlord and Tenant Act 1954 offering the Council a new tenancy where the term/premium payable/rent payable under the Council's proposed new tenancy fall within the limits set out in paragraph 3.29.34 below.
- 1.32.34. Authority to end a tenancy in favour of the Council whether or not it is protected under the Landlord and Tenant Act 1954.

- 1.32.35. Authority to serve a notice under the Landlord and Tenant Act 1954 requesting a new tenancy where the term/premium payable/rent payable under the Council's proposed new tenancy fall within the limits set out paragraph 3.29.32 below.
- 1.32.36. Authority (after consultation with the relevant Portfolio Holder) to serve a notice under the Landlord and Tenant Act 1954 requesting a new tenancy where the term/premium payable/rent payable under the Council's proposed new tenancy fall within the limits set out paragraph 3.29.34 below.
- 1.32.37. Authority to accept the early surrender of a licence/lease of Council property.
- 1.32.38. Authority to grant landlord's approval to minor modifications and alterations to Council property where the property is leased out.
- 1.32.39. Authority to grant wayleaves and easements to public utility companies and statutory undertakers where they are determinable upon 12 months' notice or less or there is a 'lift and shift' clause agreed.
- 1.32.40. Authority to grant or enter into licences and leases providing they are in accordance with the Policy Framework and Budget, where; a. the term is 7 years or less, and b. if a premium is payable it is £30,000 or less, and c. the annual licence fee/rent is £15,000 or less.
- 1.32.41. Authority to grant landlord's approval to assignments and sub-lettings where acceptable references have been received and where the lease allows for such assignments and sub-lettings.
- 1.32.42. Authority (after consultation with the relevant Portfolio Holder) to grant or enter into licences and leases provided they are in accordance with the Policy Framework and the Budget, where a. the term is more than 7 years but does not exceed 125 years, and b. if a premium is payable it is £30,000 or less, and c. the annual licence fee/rent is £15,000 or less.
- 1.32.43. Authority (after consultation with the relevant Portfolio Holder) to dispose of property assets which have a market value which does not exceed £30,000.
- 1.32.44. Sale of vehicles, equipment or machinery surplus to the Council's needs where the consideration does not exceed £30,000.
- 1.32.45. Authority to negotiate and agree revised licence fees/rents pursuant to licence fee/rent review clauses contained in licences/leases.
- 1.32.46. Authority to grant express tenancies at will.
- 1.32.47. Authority to negotiate and agree a premium for the; a. variation or release of (a) restrictive covenant(s) benefitting (former) Council owned (non-housing) property, or b. variation or release of (a) restrictive covenant(s) burdening Council owned (non-housing) property, and where in either case the premium payable is £10,000 or less and in the case of (b) it is within the Policy Framework and Budget.
- 1.32.48. Authority (after consultation with the relevant Portfolio Holder) to negotiate and agree a premium for the; a. variation or extinguishment of (a) restrictive covenant(s) benefitting (former) Council owned (non-housing) property, or b. release of (a) restrictive covenant(s) burdening Council owned (non-housing) property, and where in either case the premium payable exceeds £10,000 but is £30,000 or less and in the case of (b) it is within the Policy Framework and Budget.

- 1.32.49. Authority (after consultation with the relevant Portfolio Holder) to obtain/grant wayleaves or easements (in fee simple or for a term certain) to non-public utility companies or non-statutory undertakers over Council property/~~for the benefit of Council property~~ where the premium payable does not exceed £30,000.
- 1.32.50. Authority to grant garden licences and access licences where the licence period is for a fixed period and thereafter continues from month to month until determined by either side on one months' notice.
- 1.32.51. Authority to negotiate and agree dilapidation terms with an outgoing tenant.
- 1.32.52. Authority (after consultation with the relevant Portfolio Holder) to acquire property assets for a previously approved project where the consideration payable does not exceed £30,000.
- 1.32.53. Authority to approve tenant's charging Council property.
- 1.32.54. Authority, in consultation with the relevant Portfolio Holder, to agree variations to leases.
- 1.32.55. Authority (after consultation with the relevant Portfolio Holder) to negotiate and accept or decline the transfer of property offered to the Council in accordance with the terms of a planning obligation (S106 agreement) provided such transfer is in accordance with the Policy Framework and the Budget.
- 1.33. **Powers delegated to the Director of ~~Housing and Health and the Assistant Director Environmental Health and Licensing Governance and Licensing~~**
 - 1.33.1. The ~~Director of Housing and Health, Assistant~~ Director of ~~Environmental Health and Licensing Governance and Licensing~~, Licensing Manager, Senior Licensing Officer, Licensing Officers and Assistant Licensing Officers be authorised persons for the purposes of Section 13 of the Licensing Act 2003 (authority to carry out inspections etc.).
 - 1.33.2. The authority to make any decision under the Licensing Act 2003 (Hearings) Regulations 2005 and any amendment thereof and to the Council's Procedure for Hearings which does not have to be decided under the Act or Regulations by a committee or sub- committee.
 - 1.33.3. Authority to make determination of premises licence or variation of premises licence, provisional statement, club premises certificate or variation of club premises certificate under the Licensing Act 2003 provided that no relevant representations have been made or where any relevant representation which has been made has been resolved through written agreement between the parties to amend the application and the determination is in accordance with the terms of the written agreement.
 - 1.33.4. Authority to make the determination of applications to vary or remove the designated premises supervisor or application for or to renew a personal licence, transfer a premises licence, consideration of interim authority notice under the Licensing Act 2003 provided that (with the exception of requests to be removed as the designated premises supervisor) no notice of objection has been given by the Senior officer of police.

- 1.33.5. Authority to decide whether a representation is frivolous or vexatious under the Licensing Act 2003.
- 1.33.6. All other functions under the Licensing Act 2003 and regulations made there under not already delegated to a committee of the Council.
- 1.33.7. The authority to grant permits subject to a condition restricting their number in respect of amusements with prizes machines in premises licensed for the sale of alcohol for consumption on the premises following the second appointed day under the Licensing Act 2003 or such earlier date as legislation may provide.
- 1.33.8. The Director of **Housing and Health, Assistant Director Environmental Health and Licensing Governance and Licensing**, Licensing Manager, Senior Licensing Officer, Licensing Officers and Assistant Licensing Officers be authorised persons for the purposes of Section 304 of the Gambling Act 2005 (authority to carry out inspections and enforcement functions etc.).
- 1.33.9. The Director **Housing and Health, Assistant Director Environmental Health and Licensing of Governance and Licensing** authority to make minor changes to the procedure for hearings under the Gambling Act 2005 to comply with changes to relevant regulations or for efficient administration.
- 1.33.10. Authority to carry out all functions under the Gambling Act 2005 which have not been delegated to a committee of the Council.
- 1.33.11. Authority to make determination of premises licence or variation of premises licence, provisional statement or application for club gaming/club machine permits under the Gambling Act 2005 provided in all cases that no representations/objections have been made or have been withdrawn.
- 1.33.12. Authority to make the determination of applications for other permits, of consideration of temporary use notice, and of cancellation of licensed premises gaming machine permits, all under the Gambling Act 2005.
- 1.33.13. The Director of **Housing and Health, Assistant Director Environmental Health and Licensing of Governance and Licensing** and Licensing Manager delegated power to issue and renew all Hackney Carriage and Private Hire licences to applicants, subject to all Members of the Council being given 7 days' notice of officers proposals under delegation in cases where drivers have 6 to 9 penalty points issued in one year or 9 penalty points in a three period, as exempt information, and if after this period a representation has been made by a Member, the decision be made in consultation with the Chair of Committee.
- 1.33.14. The power to approve, in consultation with the Chair or Vice Chair of the Licensing and Enforcement Committee, the type of Specialist Classic Cars which may be licensed for private hire in respect of applications for initial licensing of such cars being more than four years old from the date of first registration as shown on the registration document.
- 1.33.15. The Director of **Housing and Health, Assistant Director Environmental Health and Licensing Governance and Licensing** be appointed as the authorised officer for the purpose of Part II of the Local Government (Miscellaneous Provisions) Act 1976 to sign any licences granted by the Council under the Town Police Clauses Act 1847 or under Part II of the 1976 Act.

- 1.33.16. Without prejudice to the power granted to an authorised officer (or constable) under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976, in any case which the Director of Governance ~~and Licensing~~ considers to be of such urgency that the matter cannot wait until the next meeting of the Licensing and Enforcement Committee to suspend or revoke the licence of a hackney carriage driver, private hire driver, hackney carriage vehicle, private hire vehicle or private hire operator on any of the grounds specified in the Local Government (Miscellaneous Provisions) Act 1976.
- 1.33.17. The power to authorise in writing such officer or officers of the District Council as he or she may from time to time decide as an authorised officer or as authorised officers for all or some of the purposes of Part II of the 1976 Act and for such officer or officers to act in pursuance thereof or the Town Police Clauses Act 1847.
- 1.33.18. Authority to the Director ~~Housing and Health, Assistant Director Environmental Health and Licensing of Governance and Licensing~~ and Licensing Manager, Senior Licensing Officer and Licensing Officer to act as authorised officers for the purposes of paragraph 25(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, [as supplemented by paragraph 25A] which give authority to exercise the powers in paragraph 25(1) and (2) of the said schedule in relation to a sex establishment in the District of East Devon and to act as authorised officers for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976, to act in pursuance of that Part of the 1976 Act or the Town Police Clauses Act 1847 other than in connection with the signing of licences granted by the Council.
- 1.33.19. To take legal proceedings against persons who contravene the Public Health (Shell Fish) Regulations.
- 1.33.20. In consultation with the Director of ~~Governance Housing, Health and Environment~~, to agree to institute legal proceedings for all dog related offences.
- 1.33.21. Power to serve a Planning Contravention Notice and in the event of non-compliance with any requirement of the Notice to institute proceedings in respect thereof.
- 1.33.22. Subject to the applicant showing housing need, to exercise in consultation with the Director of ~~Governance Housing, Health and Environment~~, the Council's discretion in giving a voluntary waiver of the right to recover improvement grants for breach of conditions, under the Housing Act 1974 (other than a nominal 5 pence to satisfy the requirements June 2020 94 of S.73(v) of the Housing Act 1974) where this would encourage a Building Society to lend money on an unimproved property.

Following to remain with Director of Governance

- 1.33.23. To give consent to the sale of land in mortgage to the Council and to determine whether the consideration there from shall be applied to the mortgage debt.
- 1.33.24. To give consent in cases where such consent may not be withheld, to applications for resale (pursuant to S.104C of the Housing Act 1957 or S.19 of the Housing Act 1980) of former Council dwellings.
- 1.33.25. To determine those cases where the prospective occupiers of any housing association accommodation applying to acquire the freehold, comply with the

requirement of Section 157 of the Housing Act 1985 and to submit applications for Portfolio holder consent in appropriate cases where the applicant does not comply.

- 1.33.26. To agree terms ~~(to reflect the matters referred to in paragraph 4 of the Chief Executive's report to the Committee on 19 January, 1994)~~ for covenants to be entered into on the sale of Council Housing flats, or in respect of former Council Housing flats, for the enforcement of covenants given by other flat owners in the same building.
- 1.33.27. To determine applications, in accordance with the Council's policy ~~(Housing Committee Minute No. 5 of 14.6.95 refers)~~, to postpone – where postponement is discretionary – the Council's charge in respect of discount on sale price of Council houses.
- 1.33.28. In consultation with the Director of Finance, authority to institute legal proceedings where fraudulent applications for benefit are suspected.
- 1.33.29. Authority to serve notices to commence possession proceedings in cases of serious infringement of tenancy conditions and where necessary to take legal proceedings to seek possession.
- 1.33.30. In consultation with the Director of Housing ~~and Health and Environment~~ authority to institute legal proceedings in all cases where landlords of houses in multiple occupation fail to comply with the statutory notices within the time specified in the notice.
- 1.33.31. To take immediate necessary action, including legal proceedings, against gypsies and travellers or other itinerants as and when they take, or where the relevant officer has sufficient reason to believe they are about to take, unauthorised possession of Council Land.
- 1.33.32. In consultation with the ~~Director of Finance and~~ Finance Portfolio Holder, to take all appropriate action to settle or otherwise deal with all claims and litigation involving the Council where such action is in pursuance of legal advice and it is inappropriate (through unacceptable delay) to report the matter to the Cabinet.
- 1.33.33. Unless set out elsewhere within this Section to take or defend any or all legal action in the name of the Council including enforcing access to premises for the purpose of carrying out any statutory duty or power.
- 1.33.34. The power to serve statutory notices on behalf of the Council and to take proceedings in the name of the Council.
- 1.33.35. Authority in consultation with the Director of Housing ~~and Health and Environment~~ and Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ to enter into deeds of variation to existing planning agreements where revisions are sought to affordable housing obligations where the revisions are necessary to enable prospective purchasers to satisfy lenders requirements to secure borrowing provided that such amendments do not alter the number of affordable houses to be provided nor the tenure split of the affordable housing.
- 1.33.36. Authority to issue consents under Part III of the Local Government (Miscellaneous Provisions) Act 1982 (street trading consents). ~~Move to Assistant Director Environmental Health and Licensing~~

- 1.33.37. Determination of reviews for listing or compensation under the Community Right to Bid (asset register) provisions of the Localism Act 2011.
- 1.33.38. To act as client officer for the contract with Strata and monitor performance.
- 1.33.39. Engage in strategic partnerships and promote and communicate the Council's services and corporate priorities in respect of the Climate and Ecological Emergency.

~~1.34.~~ Powers Delegated to the Director of Housing and Health and Environment

The following relate to Environmental Health and Streetscene and are also exercisable by the Assistant Director Environmental Health and Licensing and Assistant Director Streetscene

- 1.34.1. General Authority to Enter, Examine, Inspect and Enforce: To enter, survey, examine and inspect premises and vehicles, inspect animals, take samples, determine whether any powers should be exercised or statutory notices served, monitor the progress of works, ascertain whether the requirements of a notice served or an undertaking accepted have been complied with, and exercise any other power which is necessary to enforce the legislation contained in the following relevant statutory enactments (or amendments made thereto) (or Regulations or Orders made there under or under any European Community legislation enforced by the Authority as a consequence of the following and any other public health legislation):

Animal Boarding Establishments Act 1963

Animal Health & Welfare Act 1984

Animal Welfare Act 2006

Animal Welfare (Primate Licences) (England) Regulations 2024

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Anti-Social Behaviour Act 2003

Anti-Social Behaviour Crime and Policing Act 2014

Breeding and Sale of Dogs (Welfare) Act 1999

Building Act, 1984

Caravan Sites and Control of Development Act 1960

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974

Control of Pollution (Amendment) Act 1989

Criminal Justice & Police Act 2001

Criminal Justice and Public Order Act 1994

Dangerous Dogs Act 1991

Dangerous Wild Animals Act 1976

Deregulation Act 2015

Dogs Act 1906

Energy Conservation Act 1981

Environment Act 1995

Environmental Protection Act 1990

Food and Environment Protection Act 1985

Food Safety Act 1990

Gaming Act 1968

Guard Dogs Act 1975

Health Act 2006

Health Protection (Notification) Regulations 2010
Health Protection (Local Authority Powers) Regulations 2010
Health Protection (Part 2A Orders) Regulations 2010
Health and Safety at Work etc. Act 1974
Housing Acts and Housing Grants, Construction and Regeneration Act 1996

Housing and Planning Act 2016

Hypnotism Act 1952
Law of Property Act 1925
Landlord and Tenant Act 1985
Licensing Act 2003
Local Government Act 1972
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Mobile Homes Act 2013
National Assistance Act 1948
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Pet Animals Act 1951
Pesticides Act 1998
Petroleum Acts 1928 and 1936
Pollution Prevention & Control Act 1999
Prevention of Damage by Pests Act 1949
Protection of Animals Act 1911 (amended)
Public Health Acts 1875, 1936 and 1961
Public Health (Amendment) Act 1890
Public Health (Aircraft) Regulations 1979
Public Health (Control of Disease) Act 1984
Riding Establishments Acts 1964 and 1970
Scrap Metal Dealers Act 2013
Slaughter of Poultry Act 1967
Sunbeds (Regulation) Act 2010
Sunday Entertainment Act 1972
Sunday Trading Act 1994
Water Industry Act 1991
Zoo Licensing Act 1981
Legislation relating to the control, licensing, registration or issue of permits for food hawkers, Sunday entertainment, takeaway food shops

- 1.34.2. Statutory Notices and licences: To determine licence and registration applications and to impose or vary conditions, serve statutory notices including “Minded To” notices, fixed penalty notices, to vary notices, require information, execute work in default and discharge all the powers and duties of inspectors and authorised officers under the:

Animal Boarding Establishments 1963
Animal Welfare Act 2006
Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018
Antisocial Behaviour Act 2003
Antisocial Behaviour Crime and Policing Act 2014
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Caravan Sites and Control of Development Act 1960

Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974
 Criminal Justice and Police Act 2001
 Criminal Justice and Public Order Act 1994

 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environmental Protection Act 1990
 Guard Dogs Act 1975

 Health Act 2006 Health Protection (Notification) Regulations 2010
 Health Protection (Local Authority Powers) Regulations 2010

 Health Protection (Part 2A Orders) Regulations 2010
 Housing Act 2004

 Housing and Planning Act 2016
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Mobile Homes Act 2013

 National Assistance Act 1948

 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Pet Animals Act 1951
 Pollution Prevention & Control Act 1999
 Prevention of Damage by Pests Act 1949
 Public Health Acts including 1936 & 1961
 Public Health (Control of Disease) Act 1984
 Refuse Disposal (Amenity) Act 1978

 Riding Establishments Acts 1964 and 1970
 Scrap Metal Dealers Act 2013

 Water Industry Act 1991
 Zoo Licensing Act 1981

And all Regulations and Orders made under the above Acts

- 1.34.3. Note: applications for licences for dangerous wild animals shall be in consultation with the Chief Executive to decide the terms of the insurance policy.
- 1.34.4. Authority to order emergency works or vary contracts where there is a necessity to do so at short notice.
- 1.34.5. Purchase of stores and equipment and acceptance of tenders up to limit imposed by Standing Orders.
- 1.34.6. To act in respect of controlling alcohol from unlicensed premises by closure under Sections 19 to 23 of Criminal Justice and Police Act 2001.
- 1.34.7. **Authorisations:** To authorise, in writing, veterinary surgeons, dog wardens and pest control operatives and other officers to act on behalf of the Authority in respect of animal welfare or pest control legislation.

- 1.34.8. To authorise the Consultant in Public Health Medicine (or any person with the authority to deputise) to sign any notices and take necessary action on behalf of the Council for the purposes of Section 47 of the National Assistance Act 1948 as amended.
- 1.34.9. To appoint the 'Proper Officer' and authorise other appropriately qualified and appointed persons for the purposes of legislation relating to the control of communicable diseases.
- 1.34.10. To appoint such medical practitioners including suitably qualified persons designated by Public Health England and who appear on the current Public Health out of hours duty rota to act as "authorised officers" under the Public Health (Aircraft) Regulations 1979.
- 1.34.11. To designate and issue authorisations in writing to officers of the Authority and to others, as the legislation may provide, to enter inspect and/or act under those powers thereby delegated to them by all or some of the legislation set out in paragraph 3.33.1 (General Authority to Enter, Examine, Inspect and Enforce) and 3.33.2 (Statutory Notices and licences) of this section and any statutory amendment or replacement thereof or under any other public health legislation having regard to the qualifications and experience of the Officer.
- 1.34.12. In addition to paragraph 3.31.11 above the ability to appoint as 'Inspectors' persons having suitable qualifications as are appropriate for the exercise of any or all of the powers specified in the Health and Safety at Work Act 1974 to be carried out by Inspectors and to specify which of the powers may be exercisable by the duly appointed Inspector.
- 1.34.13. **Registrations and Approvals:** To determine applications relating to registration or approval of food premises, persons carrying on the business of acupuncture, tattooing, ear piercing and electrolysis together with premises used for that purpose, and premises where rag flock is stored, used or manufactured.
- 1.34.14. The licensing of persons for the sale of milk using special designations.
- 1.34.15. To determine applications under Part 2 of the Clean Air Act 1993 (furnaces and heights of chimneys).
- 1.34.16. Authority on receipt of satisfactory report from a veterinary surgeon to issue a licence under Section 1 of the Dangerous Wild Animals Act 1976 and to decide the terms of the insurance policy in conjunction with the Senior Executive.
- 1.34.17. To determine applications made for "Authorisation" under Part I of the Environmental Protection Act 1990.
- 1.34.18. Authority to grant the following :
 - a) Use of foreshore in accordance with approved scale of charges;
 - b) Licences or occasional lettings of any property controlled by the Council (in consultation with the Assistant Director Place, Assets and Commercialisation as to terms) and to determine conditions (if any) to be imposed;
 - c) Applications for Boat and Boatmen's Licences;
 - d) To determine applications for non-recurring cemetery grants.

- 1.34.19. To seek an injunction restraining offenders from violating the Council's Parking Places Orders where unlicensed or scrap vehicles or vehicles undergoing repair continue to be placed on the Council's car parks despite efforts to stop this.
- 1.34.20. To determine applications and to impose or vary conditions relating to licences for scrap metal dealers under the Scrap Metal Dealers Registration Act 2013.
- 1.34.21. **Restoration or Continuation of Services:** To exercise, after consultation with the Director of Finance, the powers contained in Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.34.22. **Drains and Sewers:** To deal with notices of intention to repair, alter or reconstruct underground drains or sewers. To require work for the proper provision of soil pipes and ventilation pipes, to require disconnection of disused drains.
- 1.34.23. To administer those parts of the Local Government (Miscellaneous Provisions) Act 1976 concerning the provision of sanitary accommodation at places of entertainment (sections 20 and 21) and the removal of obstructions from private sewers (Section 35).
- 1.34.24. To serve Notices on the owners or occupiers of land of the Council's intention on behalf of the South West Water Authority to lay a sewer in accordance with S.153 of the Water Act, 1989.
- 1.34.25. Authority to require that sewers be constructed so as to form part of a general system.
- 1.34.26. Authority to repair private drains.
- 1.34.27. Authority to connect private drains with public sewers.
- 1.34.28. Authority to require drains to be disconnected from the public sewer.
- 1.34.29. Authority to alter the drainage system of premises.
- 1.34.30. Authority to cleanse cesspools.
- 1.34.31. Authority to grant or withhold consent for the erection of buildings over public sewers or combined drains.
- 1.34.32. Authority to serve Notices under Section 24 of the Public Health Act 1936 in respect of the power to recover on behalf of the Water Company the cost of maintaining certain lengths of public sewer.
- 1.34.33. Authority to require the cleansing of culverts, streams, ditches and ponds including the service of Notices under the Land Drainage Acts.
- 1.34.34. **Noise Control and Environmental Protection:** To determine applications for prior consent for work on construction sites.
- 1.34.35. The exercise of any power or duty necessary to enforce Part II A of the Environmental Protection Act 1990 (Contaminated Land Provisions) as amended by the Environment Act 1995.
- 1.34.36. The exercise of any power or duty necessary to administer Part IV of the Environment Act 1995 in so far that it deals with air quality reviews and those powers of entry under section 108 in so far as they relate to the authority's

enforcement functions under Part I and Part II A of the Environmental Protection Act 1990 (integrated pollution control and contaminated land).

1.34.37. Consents for noise levels under s.61, 65 and 67 of the Control of Pollution Act 1974.

1.34.38. Inspection of premises to ensure that standard conditions of public entertainment licences are complied with.

1.34.39. To all ~~Environmental Health~~ designated Officers authority :

a) to take emergency enforcement action for noise nuisances under the Environmental Protection Act 1990 (as amended by the Noise and Statutory Nuisance Act 1993);

b) Where a statutory notice under Section 81(3) of the Environmental Protection Act 1990 in respect of a noise nuisance has been served and the nuisance might be abated by the seizure of equipment, authority to seize and remove such equipment;

c) To serve notices under Section 80 of the Environmental Protection Act 1990;

d) To inspect, seize and/or destroy animals under the Dangerous Wild Animals Act 1976.

e) To serve Community Protection Notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014

1.34.40. Under the Noise Act 1996 authority to all ~~Environmental Health~~ designated Officers :

a) To enter property and seize equipment under Section 10 of the Noise Act 1996;

b) To serve notices under Section 3, 8 and 9 of the Noise Act 1996 and when necessary apply to a Magistrate for a warrant to carry out the terms of the notice.

1.34.41. Under the Clean Neighbourhoods and Environment Act sections 77 to 79 authority to all ~~Environmental Health~~ designated Officers to enter premises and take others with them to deal with sounding intruder alarms.

1.34.42. Within the policy approved by the Council to arrange for the destruction of rats, mice and other pests.

1.34.43. To provide a pest control service.

1.34.44. To carry out the Council's functions under the Scrap Metal Dealers Act 2013.

1.34.45. Food Safety: To act in matters arising under the Food Safety Act 1990 and European Communities Act 1972 and any regulations or orders insofar as those responsibilities are allocated to the Authority.

1.34.46. To exercise powers of entry, survey, examination, inspection and seizure and to serve statutory notices including "Minded To" notices and notices relating to the detention and seizure of suspected food (Section 9(3)), the service and removal of improvement June 2020 101 notices (Section 10), the service and removal of prohibition orders (Section 11) and the service and removal of emergency prohibition orders (Section 12). (Food Safety Act 1990).

1.34.47. To nominate Officers for security clearance at Lymstone Commando Training Centre in connection with the Food Safety Act 1990.

1.34.48. To appoint Public Analysts for the purposes of the Food Safety Act 1990.

- 1.34.49. To administer that part of the Local Government (Misc. Provisions) Act 1982 concerning control of refreshment premises but to submit reports to the relevant Committee regarding proposals to make a Closing Order to vary or revoke such an Order.
- 1.34.50. Health and Safety:** To act in matters arising under the Health and Safety at Work etc., Act 1974.
- 1.34.51. To exercise powers of entry, survey, examination, inspection and seizure and to serve statutory notices including “Minded To” notices.
- 1.34.52. To exercise the powers of an inspector specified in Sections 20, 21, 22, 25 and 38 of the 1974 Act and the relevant statutory provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule.
- 1.34.53. To exercise the powers of any health and safety regulations, orders or other instruments of a legislative character made or having effect under any provision so specified as enforced from time to time.
- 1.34.54. To authorise other people to accompany the Inspectors appointed by East Devon District Council for its enforcement functions under the provisions of the Health and Safety at Work etc. Act, 1974.
- 1.34.55. To act in matters arising under the Food and Environment Protection Act 1985 – Part III in relation to Pesticides legislation, as amended by the Pesticides Act 1998.
- 1.34.56. To agree procedures and arrangements for formulating a plan for communicable disease control in East Devon.
- 1.34.57. To act in matters arising under the Food and Environment Protection Act 1985 – Part III in relation to Pesticides legislation, as amended by the Pesticides Act 1998.
- 1.34.58. To lead and advise on matters of Health and Safety affecting the Council **resulting from the Council being a workplace/employer.**
- 1.34.59. To secure the necessary care and attention for residents who are suffering from grave chronic disease or are aged, infirm or physically incapacitated and living in unsanitary conditions under Section 47 of the National Assistance Act 1948 as amended.
- 1.34.60. Health and Safety Enforcement Authority Responsibility:** To exercise powers under the Health and Safety (Enforcing Authority) Regulations including the power to transfer and assign enforcement responsibility.
- 1.34.61. Sunday Trading:** To exercise the Council’s powers under the Sunday Trading Act 1994.
- 1.34.62. Water Industry Act 1991:** To act in matters arising under the Water Industry Act 1991 and exercise the powers of the Council with regard to wholesomeness or sufficiency of public and private water supplies.
- 1.34.63. Control of Dogs:** To act for the purpose of Section 149 of the Environmental Protection Act 1990, and to submit to tender the duties and functions of the appointed officer and other responsibilities including those in the Dangerous Dogs Act 1991 and any services that may be provided by contractors under the Clean Neighbourhoods and Environment Act 2005.

- 1.34.64. Waste functions:** To consider and approve on their merit individual recycling credit applications from commercial organisations.
- 1.34.65. Authority to submit tenders, appoint staff and acquire plant and equipment to undertake contracts awarded.
- 1.34.66. To operate refuse and recycling collection in accordance with contract requirements and to vary refuse and recycling collection schedules for bank holidays and other operational reasons.
- 1.34.67. To progress the Devon Integrated Waste Strategy.
- 1.34.68. To make decisions in relation to the Council's waste management in consultation with the elected Member representatives of the Recycling and Waste Partnership Board :
- a) The contractual agreement/arrangement with the preferred supplier;
 - b) The selection of any options for securing further efficiency savings in the new contract;
 - c) Establishing detailed arrangements for achieving the full delivery of the Waste Strategy over the life of the contract;
 - d) Any Partnership arrangements with the preferred contractor.
- 1.34.69. **Streetscene functions:** To carry out street cleansing in accordance with adopted standards (currently the Code of Practice for Litter and Refuse).
- 1.34.70. To manage and maintain the Streetscene including public conveniences, cemeteries, street furniture and fixtures.
- 1.34.71. To undertake grounds maintenance and the management of the Councils parks and gardens, beaches and open spaces.
- 1.34.72. To commission and appoint consultants and contractors to undertake works on Council assets / land.
- 1.34.73. To undertake engineering projects on public assets.
- 1.34.74. To undertake flood prevention and coastal defence works.
- 1.34.75. To implement emergency responses and recovery operations in accordance with the Emergency Plan.
- 1.34.76. Authority to serve Notices for the removal of abandoned vehicles or boats, to remove derelict vehicles or boats abandoned in the open air and to dispose of derelict vehicles or boats.
- 1.34.77. Power:
- a) to remove any boats or winches habitually obstructing the three metre wide boat access corridor across the beach at Port Royal, Sidmouth, and
 - b) to recover the associated costs (including those of transport and storage) from the owner.
- 1.34.78. Authority to exercise powers relating to the removal of things so deposited on highways as to be a nuisance.
- 1.34.79. Coastal protection:** The granting of consent, levying of charges and taking of enforcement action under the Coastal Protection Act 1949.

1.34.80. Private Sector Housing:

- 1.34.81. With the agreement of the ~~Chief Executive or~~ Director of Governance ~~and Licensing~~ authority to institute legal proceedings in all cases where landlords of houses in multiple occupation or private rented housing fail to comply with the statutory notices within the time specified in the notice.
- 1.34.82. To undertake enforcement of housing standards and exercise the powers of a Housing authority.
- 1.34.83. To serve improvement notices (and suspended improvement notices), prohibition orders (and suspended and emergency prohibition orders), hazard awareness notices and to take emergency remedial action under Housing Act 2004.
- 1.34.84. To make demolition orders (s.265 Housing Act 1985) and clearance areas (s.289 Housing Act 1985).
- 1.34.85. In consultation with the Director of Governance ~~and Licensing~~ authority to institute legal proceedings in cases where owners or occupiers fail to comply with statutory notices within the time specified in the notice.
- 1.34.86. In consultation with the Director of Governance ~~and Licensing~~ the authority to exercise the powers in relation to banning orders under the Housing and Planning Act 2016 including applying for a banning order, instituting legal proceedings in cases where there has been a breach of a banning order and updating any database of rogue landlords and property agents.
- 1.34.87. In consultation with the Director of Governance ~~and Licensing~~ authority to impose and enforce financial penalties as an alternative to prosecution under Housing Act 2004 and Housing and Planning Act 2016.
- 1.34.88. The authority to exercise the powers in relation to rent repayment orders under the Housing and Planning Act 2016 70. To institute the undertaking of works in default in appropriate circumstances.
- 1.34.89. To grant, refuse, vary, revoke licences for Houses in Multiple Occupation (HMO) subject to mandatory licensing as appropriate; to add licence conditions (in line with statutory guidance) and to serve Temporary Exemption Notices. To serve/revoke HMO declarations.
- 1.34.90. To determine applications for disabled facilities and other home improvement grants and administer or cause to be administered any loan or other scheme set out within the policy agreed by the Council and to authorise interim and final payments of approved grants.
- 1.34.91. To make applications to the Residential Property Tribunal for rent repayment orders.
- 1.34.92. To make/vary/revoke interim (special interim) and final management orders.
- 1.34.93. To serve/vary/revoke overcrowding notice if having regard to the rooms available, an excessive number of persons as being/likely to be accommodated in a property.
- 1.34.94. To take action to bring empty homes back into use including make interim and final empty dwelling management orders.
- 1.34.95. Authority to service notice under Section 76 of the Building Act 1984 where any premises are in such a state as to be prejudicial to health or a nuisance and there

would be unreasonable delay if the procedure prescribed by Sections 93-96 of the Public Health Act 1936 was followed.

- 1.34.96. Authority to determine Closing Orders or cancel Demolition Orders on completion of satisfactory remedial work.
- 1.34.97. Authority to commission Home Improvement ~~Agency~~ services.
- 1.34.98. To organise and implement arrangements for the sampling and risk assessment of private water supplies, including charging and taking enforcement action where water quality presents a risk to health.
- 1.34.99. To enforce the redress schemes for lettings agency work and property management work.

The following relate to Countryside functions and are also exercisable by Assistant Director Countryside ~~Environment and Ecology~~:

- 1.34.100. To manage local and community nature reserves in accordance with the adopted management plans.
- 1.34.101. To set charges for visitors events and the marketing and promotion of activities on nature reserves.
- 1.34.102. To organise and run events and activities to protect habitat and encourage learning about the importance of the natural environment.
- 1.34.103. To appoint and supervise volunteers to support the work on nature reserves.
- 1.34.104. To lead for the Council on matters affecting the Areas of Outstanding Natural Beauty.
- 1.34.105. To act as client officer for LED and monitor performance.
- 1.34.106. To lead on arts development and culture. ~~Move to Director of Governance~~
- 1.34.107. To agree operational matters in respect of theatres and galleries (including bookings and programmes) provided within budget or where income to the Council is increased. ~~Move to Director of Governance~~
- 1.34.108. Production of ~~AONB~~ **Natural Landscapes** Management Plans under the Countryside and Rights of Way Act 2000.
- 1.34.109. To take action to conserve and enhance the natural beauty of ~~an a Natural Landscape AONB~~ under the National Parks and Access to the Countryside Act 1949.
- 1.34.110. Exercise powers and duties for the protection of wildlife under the Wildlife and Countryside Act 1981.
- 1.34.111. To appoint wardens and manage public access to Local Nature Reserves and run education and information programmes under the National Parks and Access to the Countryside Act 1949 and Wildlife and Countryside Act 1981.
- 1.34.112. Carry out works to a Local Nature Reserve.

- 1.34.113. Entering into management or access agreements over land under the National Parks and Access to the Countryside Act 1949 and Wildlife and Countryside Act 1981.
- 1.34.114. Tree Preservation Orders:** Authority for the making of provisional Tree Preservation Orders.
- 1.34.115. In consultation with the Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ authority for confirming/non-confirming, modifying, varying or revoking Tree Preservation Orders where there is no objection within 28 days of the relevant notification being given.
- 1.34.116. In consultation with the Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ the authority to non-confirm Tree Preservation Orders where there is an objection within 28 day of the relevant notification being given.
- 1.34.117. In consultation with the Assistant Director Planning ~~Strategy~~ and Development ~~Management~~ and the Chair/Vice Chair of the Planning Committee authority for confirming, modifying, varying or revoking Tree Preservation Orders where there is an objection within 28 day of the relevant notification being given.
- 1.34.118. To enter, survey, examine and inspect premises and land for the purpose of determining whether any powers should be exercised or statutory notices served, ascertain whether an offence has been committed and the taking of samples from any tree or hedgerow or samples of soil and issue authorisations in writing to officers of the Authority for these purposes as a consequence of the following legislation (as amended); Chapter 1 of Part VIII of the Town and Country Planning Act 1990 Hedgerow Regulations 1997.
- 1.34.119. Representation:** To object on behalf of the Authority to the granting of any licence, registration or consent, or to a variation of a licence, registration or consent already granted, when it is considered appropriate to make such a representation.
- 1.34.120. To make representations to any Government Department, the Office of Fair Trading or any other body which has a power to prohibit or restrict any trading activity with a view to such powers being exercised when it is considered appropriate to make such a representation.
- 1.34.121. To issue export certificates.
- 1.34.122. Legal Proceedings:** To appear on behalf of the Authority in proceedings including making application for a warrant and for an Order for the forfeiture of any goods or documents.
- 1.34.123. Climate change:** To undertake periodic carbon footprinting exercises to inform the Climate Strategy and Action Plan and to implement those actions and projects approved by Cabinet or to carry out such actions which are necessary to help inform Cabinet and / or Council decision taking. ~~Move to Director of Governance~~

The following relate to Housing and are also exercisable by the Assistant Directors for Strategic Housing, Regulated Housing and Housing Development

- 1.34.124. To assume responsibility for the Council's Housing Strategy and enabling role.
- 1.34.125. To prepare housing strategies and policies for adoption and oversee implementation.

- 1.34.126. To maintain an up to date Housing Revenue Account Business Plan and ensure that housing finances are adequate to operate the landlord activities.
- 1.34.127. To comply with the requirements of the ~~Regulator of Social Housing~~ ~~Housing Regulator (currently the Homes and Communities Agency)~~.
- 1.34.128. To negotiate and advise on affordable housing provision in respect of planning applications.
- 1.34.129. To initiate and work up development schemes for Council homes for approval.
- 1.34.130. To organise and discharge the Council's housing advice and housing options activities.
- 1.34.131. To discharge the Council's homeless duties under Part VII of the Housing Act 1996.
- 1.34.132. To determine homeless applications and homeless reviews under Part VII of the Housing Act 1996.
- 1.34.133. To allocate housing in accordance with the Council's policies and procedures under Part VI of the Housing Act 1996.
- 1.34.134. Hearing appeals by individuals against initial bandings/priorities allocated under the Choice Based Lettings Scheme.
- 1.34.135. To determine the medical and social priority for housing applications.
- 1.34.136. Approval of an applicant's need for a move to a particular locality under the Choice Based Lettings Scheme.
- 1.34.137. Any exceptional or unforeseen housing issues requiring a decision which fall outside the Council's adopted allocation criteria.
- 1.34.138. Agreeing changes to Devon Home Choice and monitoring of the Choice Based Lettings Scheme.
- 1.34.139. To carry out statutory reviews of decisions to refuse an application to be put on the Housing Register.
- 1.34.140. To determine additional preference groups and allocation priorities under the Housing Act 1996.
- 1.34.141. To approve transfers within Council housing (mutual exchanges) and nominations to Registered Social Landlords.
- 1.34.142. To discharge the Council's functions in connection with the Right to Buy under the provisions of Part V of the Housing Act 1985 with the exception of section 157 consents.
- 1.34.143. Authority to deny the Right to Buy in respect of those elderly persons dwellings meeting the requirements of the Housing Act 1985.
- 1.34.144. To discharge the Council's housing management functions under Part II of the Housing Act 1985. 44. To approve applications for the Cash Incentive, Tenant Improvement, Community Initiatives, Rent Deposit and Shared Ownership Schemes.

- 1.34.145. To issue introductory, secure, flexible and non-secure tenancy agreements and take action where tenants fail to adhere to the tenancy conditions, including demoting tenancies.
- 1.34.146. Planning and implementing major, annual, cyclical and responsive maintenance programmes of work to Council homes within the approved budgets.
- 1.34.147. Authority to enter into contracts including the appointment, liaison and monitoring of contractors and consultants working on Council homes.
- 1.34.148. Authority to assist people unable to arrange maintenance of gardens on non-sheltered estates where the dwellings are occupied by disabled elderly and any special cases.
- 1.34.149. Authority to obtain land and property surrendered by tenants.
- 1.34.150. Authority to negotiate Housing Revenue Account property disposals (including shared ownership properties where the lease provides for the leaseholder to purchase the freehold of the property during the lease term).
- 1.34.151. Authority to approve a licence/lease/easement/wayleave of Housing Land subject to terms and conditions to be agreed.
- 1.34.152. Authority to consent to use of a Community Centre, subject to terms to be agreed.
- 1.34.153. Authority to initiate action for breach of tenancy conditions, including rent arrears and estate management issues.
- 1.34.154. In connection with the Access to Personal Files Act 1987, to supply such information and take such action as necessary to comply with the relevant Housing Regulations.
- 1.34.155. To ensure that tenants are appropriately involved in decisions which impact on the management and maintenance of their homes.
- 1.34.156. To let bungalows to persons of below pensionable age when difficulties arise in finding a suitable tenant[s].
- 1.34.157. The signing of tenancy Agreements on behalf of the Council including the letting of garages, gardens and hard standings.
- 1.34.158. The assessment of Rent following modernisation and conversion or in respect of newly acquired or constructed dwellings within the policy approved by the Council.
- 1.34.159. Implementation of rent increases for homes, gardens and garages.
- 1.34.160. Approval of alterations to buildings, erection of sheds, greenhouses, installation of telephones, satellite antennae, aerials and hard standings.
- 1.34.161. To determine applications in connection with the installation of Home Safeguard equipment and setting of charges for equipment hire, purchase and monitoring.
- 1.34.162. To determine transfer applications by tenants on management grounds.
- 1.34.163. To set charges for community centres, garden maintenance and other housing related services where permitted by law and where not already covered by a specific service charge.

- 1.34.164. To set statutory service charges under the Housing Acts.
- 1.34.165. In consultation with the Director of Governance ~~and Licensing~~ the authority to make offers to purchase land and property within approved budgets (such offers to be subject to contract).
- 1.34.166. In consultation with the Portfolio Holder for Sustainable Homes and Communities and the Chair of the Housing ~~Scrutiny Committee Review Board~~ the authority to purchase land and property for the Housing Revenue Account (including use of Right to Buy receipts) subject to the funds being from within approved budgets.
- 1.34.167. Authority to negotiate and agree a premium for the; a. variation or release of a restrictive covenant(s) benefitting (former) Council owned (housing) property, or b. variation or release of a restrictive covenant(s) burdening Council owned (housing) property, and where in either case any premium payable is £10,000 or less and in the case of (b) it is within the Policy Framework and Budget.
- 1.34.168. Authority (after consultation with the relevant Portfolio Holder) to negotiate and agree a premium for the; c. variation or extinguishment of a restrictive covenant(s) benefitting (former) Council owned (housing) property, or d. release of a restrictive covenant(s) burdening Council owned (housing) property, and where in either case any premium payable exceeds £10,000 but is £30,000 or less and in the case of (b) it is within the Policy Framework and Budget.
- 1.34.169. Subject to agreement with the Director of Finance (S151 officer) and the Director of Governance (Monitoring Officer), to authorise the disposal of individual non contiguous Housing Revenue Account assets up to a maximum value of £500,000, in accordance with the adopted 'Acquisitions and Disposals Policy' and in consultation with the Portfolio Holder for Sustainable Homes and Communities.

The following relate to Health

- 1.34.170. To lead on health and wellbeing and public health issues / strategies for the Council.
- 1.34.171. To act as lead officer for safeguarding children and vulnerable adults.

1.35. Powers delegated to the Assistant Director Place, Assets & ~~Commercialisation-Leisure~~

Authority to make listing and compensation decisions relating to the Community Right to Bid (asset register) provisions under the Localism Act 2011.

1.36. Proper Officers.

- 1.36.1. The following to act as Proper Officers for the following purposes:

Local Government Act 1972

Section No	Item	Proper Officer
13	Parish Trustee	Chief Executive

Section No	Item	Proper Officer
39	Registration of Electors	Chief Executive Director of Governance
41	Returning Officer	Chief Executive Director of Governance
83	Declaration of Acceptance of Office - Officer before whom made and to whom delivered	Chief Executive, Monitoring Officer or Deputy Monitoring Officer
84	Receipt of Notice of Resignation of Member	Chief Executive
88(2)	Convening of meeting for Election of Chairman following casual vacancy in that office.	Chief Executive
96(1) and (2)	Receipt of general notice and recording of disclosures of financial interest	Chief Executive
Section 100B (2)	Exclusion from public inspection of the whole of any report or any part which the meeting is not likely to consider in public.	Senior Officer initiating the report
Section 100B (7) (c)	To decide whether any newspaper should be supplied with other documents supplied to Members of the Council.	Senior Officer having custody of the document
Section 100C(2)	Making a written summary of the proceedings or part thereof, to provide a reasonable, fair and coherent record without disclosing exempt information.	Chief Executive
Section 100D (1)(a)	Compilation of lists of background papers to reports	Initiating Senior Officer
Section 100D (5) (a)	Identification of background papers	Initiating Senior Officer
Section 100F (2)	Papers to be withheld from Members Councillors on account of the exempt information they contain	Chief Executive
115	Accountability of Officers	Director of Finance
146	Transfer of Securities	Director of Finance
191	Ordnance Survey Act	Chief Executive
210(6)	Charities	Chief Executive
212	Registrar of Local Land Charges	Chief Executive
214	Grant of Exclusive Rights of Burial	Chief Executive

Section No	Item	Proper Officer
223	Appearance of Local Authorities in Legal Proceedings	Chief Executive/ Director of Governance and Licensing
225	Deposit of documents	Chief Executive
229	Photographic copies of documents (certification)	Chief Executive
Schedule 6 Para(1)	Deputy to registration officer	Assistant Director of Corporate Lead Legal and Governance and Licensing
236(9) and (10) and 238	Bye-laws	Chief Executive
248	Roll of Freemen of Existing Boroughs	Chief Executive
Schedule 12 Para 4(1) Part 1	Summons to attend Principal Council Meetings	Chief Executive
Schedule 14 Para's 13 and 15	Action under the Public Health Acts	Consultant in Public Health Medicine
Schedule 14 Para 25(7)	Certificate of Resolutions	Chief Executive
Schedule 16 Para 26	Receipt of Deposit of Lists of protected buildings	Chief Executive
Schedule 22 Para 17	Notices etc. under the Housing Act, 1985	Director of Housing, Health and Environment

Other Acts

Section No	Item	Proper Officer
(Misc. Provisions) Act 1976 S. 41 Local Government (Misc. Provisions) Act 1976	Signing of Certificates	Chief Executive (or a person authorised in that behalf by him)
S.20 Local Government (Misc. Provisions) Act 1976	Signing and service of Notices	Director of Housing and Health and Environment
S.47 National Assistance Act 1948	Persons in need of care and attention	Consultant in Public Health and Medicine (or an alternative medical Officer authorised by them him)
S19 Local Government (Misc. Provisions) Act 1982	Signing documents for registration of food hawkers	Director of Housing and Health and Environment
S.93 Public Health Act 1936	Sign Notices	Director of Housing and Health and Environment
S.1 Public Health (Recurring Nuisances) Act 1969	Sign Notices	Director of Housing and Health and Environment
SS.58, 60, 66 & 80 Control of Pollution Act 1974	Sign Notices	Director of Housing and Health and Environment
S.19(2) Health and Safety at Work Act 1974	Signing appointments and authorisation of 'Inspectors' and other persons	Director of Housing and Health and Environment
	Functions for which no other Officer has been designated as the proper officer.	Chief Executive

Representation of the People Act 1983

Section No	Item	Proper Officer
Section 82(4)	Declaration as to election expenses	Chief Executive Director of Governance

Local Government and Housing Act 1989

Section No	Item	Proper Officer
Section 2(2) and (3)	Officer with whom lists and revised lists of politically sensitive posts are to be deposited.	Chief Executive

Sections 15-17	All purposes under Part III of the Local Government (Committees and Political Groups) Regulations, 1990.	Chief Executive
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Local Authorities (Standing Orders) (England) Regulations 2001	Proper Officer
Appointment and Dismissal of Chief Officers	Chief Executive (or if it relates to the Chief Executive then the Monitoring Officer)

Localism Act 2011

Section No	Item	Proper Officer
Part	Receiving complaints of breach of the Member Code of Conduct	Monitoring Officer