

Section 6 - Schedule of Functions Delegated to Officers

(Extract of pages from SSDC Constitution)

1. Members have the right to ask for a matter to be considered by a Committee even though it may have been delegated to an officer subject to complying with any agreed procedures. Officers may also occasionally refer matters to a Committee where they consider the subject matter to be particularly sensitive and would better be decided by members.
2. Where an officer has been given delegated authority to undertake a function the officer shall have the authority to authorise another officer within their department or service to carry out that function on their behalf. In determining the suitability of an officer to be given this authority, regard must be had to the nature of the authority being given, the seniority of the post, the experience of the relevant officer and all other relevant circumstances so as to ensure that the authority and the relevant officer are appropriately matched. This authorisation must:
 - be in writing, dated and signed by the officer giving the authority.
 - specifically identify the post and person authorised to carry out the functions.
 - specifically identify the functions to which the authorisation relates (attach an extract from the scheme as the numbering may change over time).
 - identify any conditions (if any) to which the authorisation is subject.
3. A copy of all authorisations under this provision must be provided within seven days of being made to the Democratic Services Manager who will provide a copy to the Assistant Director Legal & Corporate Services.
4. The officer who has been given delegated authority under this schedule retains concurrent jurisdiction to act in those matters where that officer has given another officer authority to undertake any function.
5. The functions shown in this schedule are specific delegated powers. Officers shall also undertake all the operational duties within the remit of their team or service and all necessary powers to do this are therefore deemed to be delegated to the relevant Strategic Director or Assistant Director or Manager who has responsibility for the discharge of the function. Officers shall exercise their delegated powers subject to statutory limitations, duties and responsibilities and in compliance with Council policies, approved budget limitations, the constitution and financial procedure rules.
6. All Strategic Directors and Assistant Directors must ensure that functions in relation to the management of employees must be carried out in accordance with the Council's approved human resources policies.
7. Where legislation specifically referred to in this schedule, is amended or replaced or added to by new legislation and in the event that the powers contained in the new legislation are substantially the same as those which it replaces or relate to the same service areas then it shall be deemed that the relevant authority delegated in this schedule applies as if the new legislation had been specifically referred to as regards that relevant authority.

	Function	Delegated to	Delegated By
42.	Power to serve requisitions for information under Section 330 of the Town and Country Planning Act 1990.	Assistant Director Legal & Corporate Services	Council
43.	Making of appropriate orders temporarily closing bridleways and footpaths subject to closure not exceeding 3 months and to notice being given to the Ward Member(s) and Parish Council - difficult and complex cases and requests to the Secretary of State to be referred to the Committee for consideration.	Assistant Director Legal & Corporate Services	Council
44.	Applications for diverting, stopping up and extinguishment of public rights of way and confirmation of consequent orders, subject to consultation with Ward Members.	Assistant Director Legal & Corporate Services	Council
Revenues & Benefits Manager			
45.	To administer the Council's functions in relation to the collection of non-domestic rates in accordance with the Local Government Act 1988 (as amended) and all relevant regulations made thereunder including the granting of charitable rate relief under the Act.	Revenues & Benefits Manager	Executive
46.	Registration of charging orders against properties the subject of rate arrears.	Revenues & Benefits Manager	Executive
47.	Determination of benefit claims in accordance with the appropriate regulations.	Revenues & Benefits Manager	Executive
Streetscene Manager			
48.	Removal and disposal of abandoned vehicles.	Streetscene Manager Environmental Health Manager	Council
49.	Enforcement of Dogs (Fouling of Land) Act 1996, the Dangerous Dogs Act 1991, the Dogs Act 1906 (as amended), Environmental Protection (Stray Dogs) Regulations 1992, The Control of Dogs Order 1992, Road Traffic Act 1988 (Dogs on Roads) and The Control of Dogs on Roads Order (England and Wales) Regulations 1995 and other associated legislation.	Streetscene Manager Environmental Health Manager	Council
50.	Discharge of functions under Sections 149 and 151 of the Environmental Protection Act 1990 relating to the control of dogs.	Streetscene Manager Environmental Health Manager	Council
51.	Provision of Floral Displays on payment of charges.	Streetscene Manager	Executive

	Function	Delegated to	Delegated By
52.	In respect of Parks, open spaces and other recreational facilities or establishments for which the Assistant Director has managerial responsibility:- (i) the variation, for special events, of the charges and opening hours and (ii) approve the occasional use of the same by outside organisations/bodies	Streetscene Manager	
53.	Powers under section 80 of the Environmental Protection Act 1990 to enable dog wardens to investigate barking dog issues.	<u>Environmental Health Manager</u> Streetscene Manager	Executive
54.	Powers under the Environmental Protection Act 1990 Part II in respect of waste on land and the duty of care.	<u>Environmental Health Manager</u> Streetscene Manager	Executive
55.	Powers under the Cleaner Neighbourhoods and Environment Act 2005	Streetscene Manager	Executive
56.	Powers under the Refuse Disposal Amenity Act 1978 in respect of abandoned vehicles.	<u>Environmental Health Manager</u> Streetscene Manager	Executive
57.	Service of notice and prosecution for offences under Part IV (litter) and Part VIII (miscellaneous) of the Environmental Protection Act 1990	<u>Environmental Health Manager</u> Streetscene Manager	Executive
58.	To carry out inspections as required by Licensing of Pet Animal Sheds, Animal Boarding and Breeding Establishments, under the following Acts and Regulations: The Animal Boarding Establishments Act 1963 The Breeding Dogs Act 1973/1994 The Breeding and Sale of Dogs (Welfare) Act 1999 The Breeding of Dogs (Licensing Records) Regulations 1999	<u>Environmental Health Manager</u> Streetscene Manager	
59.	Powers under the Controlled Waste Regulations 1992	<u>Environmental Health Manager</u> Streetscene Manager	Council
60.	Powers under the Street Litter Control Notices Order 1991 (as amended)	<u>Environmental Health Manager</u> Streetscene Manager	Council
61.	Powers under The Crime and Disorder Act 1998 in relation to Anti Social Behaviour	<u>Environmental Health Manager</u> Streetscene Manager	Council
62.	To authorise Environmental Enforcement Officers to take action to deal with anti social behaviour under the Anti Social Behaviour legislation.	<u>Environmental Health Manager</u> Streetscene Manager	Council
Engineering & Property Services 63.	Numbering of properties in street not involving changes in existing numbers.	Engineering & Property Services Manager	Council

	Function	Delegated to	Delegated By
64.	Street naming and numbering where the developer, the Parish Council and the Area Chairman are in agreement.	Engineering & Property Services Manager	Executive
65.	Exercise of the Council's powers under Sections 151-154, 163, 164, 167 of the Highways Act 1980.	Engineering & Property Services Manager	Executive
66.	Use of car parks for purposes other than car parking within the agreed Council policy.	Engineering & Property Services Manager	Executive
67.	Powers under the Road-traffic Regulation Act 1984 for residential parking schemes.	Engineering & Property Services Manager	Executive
68.	To review and revise rents in leases and to agree the renewal of leases and lettings in respect of properties owned by the Council in accordance with the Financial Procedure Rules.	Engineering & Property Services Manager	Executive
Environmental Health Manager			
Food Safety Functions			
69.	Further to the <u>Food Hygiene (England) Regulations 2006</u> , <u>Food Safety and Hygiene (England) Regulations 2013</u> , the appointment of authorised officers under the <u>Food Safety Act 1990</u> (as amended), and a) any Orders or Regulations made thereunder or relating to the foregoing or having effect by virtue of the <u>European Communities Act 1972</u> (see note) and b) any modifications or re-enactment to the foregoing. Note: Providing an officer is suitably appointed to so act, the fact that the enforcement powers are contained in a Regulation or Order, whether made under the <u>European Communities Act 1972</u> or any other stated Act, is irrelevant for the purpose of acting lawfully.	Environmental Health Manager	Council and Area Committees
70.	Investigation Powers under <u>The Public Health (Control of Diseases) Act 1984</u> , as amended by the <u>Health and Social Care Act 2008</u> -and Regulations made thereunder, including <u>The Public Health (Infectious Diseases) Regulations 1988</u> .	Environmental Health Manager	Council and Area Committees

	Function	Delegated to	Delegated By
71.	Powers under the Local Government (Miscellaneous Provisions) Act 1982 and similar Acts containing other powers related to the food safety function in relation to sanitary conveniences in places of entertainment etc. and the protection of buildings.	Environmental Health Manager	Council and Area Committees
72.	To carry out responsibilities vested to the authority contained within the Food and Environment Protection Act 1985 including any regulations and orders made thereunder.	Environmental Health Manager	Council and Area Committees
Health and Safety Functions			
73.	Powers under the Health and Safety at Work etc. Act 1974 and Regulations made thereunder (including the investigation of accidents and other relevant statutory provisions).	Environmental Health Manager	Council and Area Committees
74.	To appoint inspectors under the Health and Safety at Work etc Act 1974.	Environmental Health Manager	Council and Area Committees
75.	Powers under the Food and Environment Protection Act 1985, with specific regard to the Control Of Pesticides Regulations	Environmental Health Manager	Council and Area Committees
76.	To authorise proceedings in any court or tribunal under the Health & Safety at Work Act 1974	Environmental Health Manager	Council and Area Committees
77.	Powers under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995	Environmental Health Manager	Council and Area Committees
78.	To implement the smoke free provisions of the Health Act 2006 relating to smoking in public places and workplaces.	Environmental Health Manager	Council and Area Committees
Licensing Functions			
79.	To carry out all the functions of the Licensing Act 2003 and Gambling Act 2005 and associated legislation not required to be determined by the Council's Licensing Committee including (but not by way of limitation) determining whether any variation is a minor or major and its subsequent handling.	Licensing Manager	Licensing Committee

Function	Delegated to	Delegated By
<p>80. To carry out all the functions in relation to the following areas: - determine of applications for the grant or renewal of licences and permits for or registration of: - Hackney Carriage Vehicles and Drivers; Dealers-in-Game; Private Hire Vehicles, Operators and Drivers; Charitable Collections; Buskers; Acupuncturists, Electrolysis, Tattooists, Ear Piercers, Body Piercers and semi permanent skin colouring and enforcement of byelaws; To carry out the enforcement and reporting of licensed and unlicensed door supervisors and their employers Scrap Metal Dealers (and exemption of itinerant dealers) and motor salvage operators; Society Lotteries; Amusements with Prizes; Sex Establishments Street Trading (Note: taxi, private hire and driver licensing are also delegated under an Agency agreement to Grewkerne, Ilminster, Wincanton and Yeovil Town Councils. Charitable collections and street trading are also delegated to Yeovil Town Council).</p> <p>All the above matters, functions including opposed premises licence applications, may be referred to the Licensing Committee where officers consider it appropriate, with the exception of street trading which may be referred to the relevant area committee.</p>	Licensing Manager	Licensing Committee
<p>81. In consultation with the relevant Portfolio holder, to review hackney carriage fares - following representations by taxi operators - and, subject to the necessary consultations, to agree any increases within the cumulative inflation rate which has prevailed since the previous increase.</p>	Licensing Manager	Executive
<p>82. To approve applications for Road Closures for Special Events under the 1847 Police Clauses Act (power to prevent obstructions).</p>	Licensing Manager	Executive

	Function	Delegated to	Delegated By
83.	To carry out the <u>inspection, registration or licensing</u> (including the application of conditions) or other approval of Pet Animal Shops, Animal Boarding and Breeding Establishments, Riding Establishments, Dangerous Wild Animals, Zoos (renewals and transfers only), and commercial premises for health and safety purposes in accordance with the following Acts, Regulations and associated legislation: The Animal Boarding Establishments Act 1963, The Riding Establishments Acts 1964/1970, The Pet Animals Acts 1951/1983, The Breeding of Dogs Acts 1973/1991, Breeding and Sale of Dogs (Welfare) Act 1999, The Breeding of Dogs (Licensing Records) Regulations 1999, The Dangerous Wild Animals Acts 1976/1984, The Zoo Licensing Act 1981, Animals (Scientific Procedures) Act 1986.	Licensing Manager	Licensing Committee
84.	To allow for changes in best practice, and to recognise the diversity of existing construction and operational techniques, to approve variations to conditions for pet shops, dog and cat boarding establishments, dog breeding establishments.	Licensing Manager	Licensing Committee
85.	Powers under the Sunday Trading Act 1994 in respect of controls over trading on Sundays at large shops.	Licensing Manager	Licensing Committee
86.	To maintain a public register under The Notification of Cooling Towers and Evaporative Condensers Regulations 1992	Licensing Manager <u>Environmental Health Manager</u>	Licensing <u>Executive</u> Committee
87.	To carry out the registration of scrap metal dealers under the Scrap Metal Dealers Act 1964	Licensing Manager	Licensing Committee
88.	Powers under the The Police, Factories etc (Miscellaneous Provisions) Act 1916, Local Government (Miscellaneous Provisions) Act 1982 and the Highways Act 1980 in respect to Street Trading and charitable collections.	Licensing Manager	Licensing Committee
89.	Powers under the Broadcasting Act 1990 in respect of licensing an exhibition of moving pictures.	Licensing Manager	Licensing Committee
90.	To licence charity collections under the House to House Collections Act 1939	Licensing Manager	Licensing Committee
91.	Powers under the Road Safety Act 2006 in respect of Hackney Carriages and Private Hire Vehicles	Licensing Manager	Licensing Committee

	Function	Delegated to	Delegated By
92.	Powers under the Violent Crime Reduction Act 2006	Licensing Manager	Licensing Committee
93.	Enforcement powers under the Animal Welfare Acts	Licensing Manager	Licensing Committee
94.	Powers of inspections under Section 19(2) of the Private Security Industry Act 2001 by Officers authorised by the Security Industry Authority	Licensing Manager	
95.	The preparation of and changes to policy and procedure documents used in Licensing where not already provided for in legislation.	Licensing Manager	Licensing Committee
Environmental Protection Functions			
94-96.	The authority to enter premises or go onto land to inspect and/or take action to remedy nuisances, to deal with unsatisfactory housing conditions or to deal with other pollution related matters for which the Council has responsibility.	Environmental Health Manager	Executive
95-97.	To serve notices and the taking of prosecutions under Parts III of the Environmental Protection Act 1990 concerning Statutory Nuisances. To take similar action for noise nuisance under The Noise Act 1996 and other appropriate legislation including the seizure of noisy equipment.	Environmental Health Manager	Executive
96-98.	To take action in relation to a light noise offence under the Noise Act 1996 including the issuing of fixed penalty notices.	Environmental Health Manager	
97-99.	To serve notices and the taking of appropriate action under Public Health Acts 1936/1961, Housing Acts 1985/1988/1996/2004, the Building Act 1984, the Prevention of Damage by Pests Act 1949, the Clean Air Act 1993, the Control of Pollution Act 1974, the Noise and Statutory Nuisances Act 1993, the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005, Environment Act 1995, Pollution, Prevention and Control Act 1999, The Water Industry Act 1991 and the Anti Social Behaviour Act 2003 and associated legislation to control pollution, prevent nuisance and maintain public health across the District.	Environmental Health Manager	Executive
98-100.	To prosecute and undertake work in default in relation to notices served concerning housing and environmental matters delegated to the Environmental Health Manager in this document.	Environmental Health Manager	Executive
99-101.	To let contracts for rodent control.	Environmental Health Manager	Executive
100-102.	To take action under Public Health and Building Act powers to deal with defective drainage of land and buildings.	Environmental Health Manager	Executive

	Function	Delegated to	Delegated By
404-103	To carry out of all duties contained within the Public Health (Control of Disease Act) 1984 to control the spread of disease, including the cleansing and disinfection of premises and articles.	Environmental Health Manager	Executive
402-104	To take action under Sections 83, 84 and 85 of the Public Health Act 1936/1961 (Cleansing of verminous articles, persons and clothing).	Environmental Health Manager	Executive
403-105	To take action under the National Assistance Acts 1948 and 1951 to remove people in need of care and attention and to act under other legislation (The Public Health (Control of Diseases) Act 1984) to dispose of dead bodies for which the Council has responsibility.	Environmental Health Manager	Executive
404-106	To enforce legislation related to straw and stubble burning and other smoke nuisance in accordance with The Crop Residues (Burning) Regulations 1993.	Environmental Health Manager	Executive
405-107	To take action under the Water Industry Act 1991 and associated legislation (including the inspection, monitoring and improvement of private water supplies) to ensure the adequacy and wholesomeness of water supplies throughout the district.	Environmental Health Manager	Executive
406-108	The power to grant consents for the operation of loudspeakers contained in Schedule 2 of the Noise and Statutory Nuisance Act 1993 in consultation with the relevant ward member(s), who shall have regard to the following principles: - (a) Consents will not normally be granted other than with respect to traditional carnivals, village fetes, street fairs and charitable fundraising by reputable organisations; (b) Consent is unlikely where the Environmental Health Manager is of the opinion that noise nuisance is likely to arise; (c) Without prejudice to the Environmental Health Manager's discretion to grant consent subject to conditions, restrictions as to the start and finish times of the consent are likely to be imposed where considered appropriate by that Manager. (Applicants for consent are required to pay such reasonable fees as may be determined by the Environmental Health Manager, such fees to include the cost of a suitable advertisement of the application.)	Environmental Health Manager	Executive

	Function	Delegated to	Delegated By
407-109	To carry out the granting, variation, transfer or revocation of permits for the control of industrial emissions. The service of notices, prosecution and other enforcement for offences under The Pollution, Prevention and Control Act 1999 and the Environmental Permitting (England and Wales) Regulations 2007.	Environmental Health Manager	Executive
408-110	To take action under the Clean Air Act 1993, the Environmental Protection Act 1990 and other associated legislation (including the approval of chimney heights) to avoid atmospheric pollution.	Environmental Health Manager	Executive
409-111	To carry out the inspection of land and the use of enforcement powers for the remediation of contaminated land under The Contaminated Land (England) Regulations 2000 and Part IIA of the Environmental Protection Act 1990. This concerns the Local Authority's duty to deal with contaminated land.	Environmental Health Manager	Executive
440-112	The review and assessment of air quality (and the production of reports, declaration of air quality management areas and production of action plans thereafter as necessary) under the Environment Act 2005 and associated regulations.	Environmental Health Manager	Executive
444-113	To take action under the Environmental Damage (Prevention and Remediation) Regulations 2009 to deal with incidents causing environmental damage.	Environmental Health Manager	<u>Executive</u>
114.	Powers Under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to Community Protection and under section 77 of that Act in relation to the duration of Closure Orders.	<u>Environmental Health Manager</u>	<u>Executive</u>
115.	Powers Under Part 7 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to dangerous dogs.	<u>Environmental Health Manager</u>	<u>Executive</u>
Housing Functions			

	Function	Delegated to	Delegated By
442-116	To serve notices and take appropriate enforcement action in relation to the repair and safety of defective, unfit, sub-standard and non-decent housing under Housing and Public Health Act legislation. This includes carrying out work in default. The principal legislation includes the Housing Act 1996/1988, Housing Act 1985, Local Government & Housing Act 1989 and Housing Act 2004.	Environmental Health Manager	Executive
443-117	To carry out the licensing of Houses in Multiple Occupation and the determination and levying of appropriate fees.	Environmental Health Manager	Executive
444-118	To make Management Orders, Control Orders and Direction Orders and the service of other notices to control standards and overcrowding in Houses in multiple occupation under the Housing Act 1985, the Local Government and Housing Act 1989 and associated legislation.	Environmental Health Manager	Executive
445-119	To carry out the approval and payment of Renovation (Empty Property), Disabled Facilities, Common Parts, Houses in Multiple Occupation and Home Repairs Assistance grants. Such grants are made under the Local Government and Housing Act 1989, The Housing Grants Construction and Regeneration Act 1996, and the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 and associated legislation. The refusal of applications that fail to satisfy the adopted policies of the Council.	Environmental Health Manager	Executive
446-120	To inspect and licence camping, caravan and mobile homes sites under Caravan Sites and Control of Development Act 1960 as amended by the Local Government (Miscellaneous Provisions) Acts 1972/1975/1976/ 1982 and associated legislation.	Environmental Health Manager	Executive
447-121	To make payment of compensation under the Land Compensation Act 1961 and associated legislation in relation to unfit properties (including the payment of disturbance and home loss payments).	Environmental Health Manager	Executive
448-122	To make and remove Demolition Orders and Closing Orders and the protection of buildings under the Housing, Building Acts and Local Government (Miscellaneous Provisions) legislation. Also the taking of action in relation to ruinous, dilapidated or dangerous buildings.	Environmental Health Manager	Executive
449-123	To agree loans and the payment of fees for loan payments as part of the Home Loan scheme operated by the Wessex Reinvestment Trust. The provision of other financial assistance as allowed under the Regulatory Reform (Housing Assistance)(England and Wales) order 2002	Environmental Health Manager	Executive

	Function	Delegated to	Delegated By
420-124	To take action under the Housing Act 2004 in relation to the Health and Safety Rating System.	Environmental Health Manager	Executive
Environmental Health and Community Protection – General			
424-125	Powers under the Criminal Justice and Public Order Act 1994 in relation to travellers and unauthorised campers	Environmental Health Manager	Council and Area Committees
422-126	Powers under The Crime and Disorder Act 1998 in relation to Anti Social Behaviour	Environmental Health Manager	Council and Area Committees
423-127	Powers of inspection under Section 19(2) of the Private Security Industry Act 2004 by Officers authorised by the Security Industry Authority.	Environmental Health Manager	Council and Area Committees
424-128	To authorise Environmental Health Officers to take action to deal with anti social behaviour under the Anti Social Behaviour legislation.	Environmental Health Manager	Council and Area Committees
425-129	The preparation of and changes to policy and procedure documents used in Environmental Health	Environmental Health Manager	Council
426-130	To act as a Category One responder, and to take other appropriate action under the Civil Contingencies Act	Civil Contingencies Manager	Council
Strategic Housing			
427-131	To assess housing need for the district in accordance with approved policies.	Assistant Director Economy	Executive
428-132	To determine applications for capital subsidy towards social housing (RSL etc) provision in accordance with approved policies and authorise approved expenditure; agree requisite nomination rights where appropriate.	Assistant Director Economy	Executive
Housing & Welfare			
429-133	To authorise expenditure within delegated cash limits on the repair, maintenance and improvement of those properties leased or managed on behalf of the Council	Assistant Director – Health and Well Being	Executive
430-134	To authorise the allocation of additional capital subsidy towards social housing (RSL etc) provision of up to 10% of the original approved allocation.	Assistant Director – Health and Well Being	Executive
431-135	In consultation with the relevant Portfolio Holder agree minor changes to the Allocations Scheme and other agreements in place with partner landlords participating in the South Somerset Housing Register (or any replacement therefore) where these changes are required as a result of changes to statutory obligations or requirements.	Assistant Director – Health and Well Being	Executive