

SECTION 18

RESPONSIBILITY FOR FUNCTIONS

- 18.1 Introduction and general principles
- 18.2 Principles of decision-making
- 18.3 Decisions reserved for Full Council
- 18.4 Licensing and planning functions
- 18.5 Other non-executive functions
- 18.6 Local choice functions
- 18.7 Cabinet functions and Cabinet Scheme of Delegation
- 18.8 Community Partnerships
- 18.9 Joint Committees
- 18.10 Delegation to officers

Schedules to this Section

Schedule 1

- Part A - Scheme of Delegation to Officers
- Part B - Planning Scheme of Delegation
- Part C - Licensing Policy (extract)

Schedule 2

Functions delegated to the Planning Board

Schedule 3

Functions delegated to the Licensing Board

Schedule 4

Other non-executive functions undertaken by the Council

Schedule 5

Allocation of local choice functions

Schedule 6

Cabinet Scheme of Delegation

~~Schedule 7~~

~~Executive functions delegated to Community Partnerships~~

Schedule ~~87~~

Executive functions and other matters delegated to Corporate Asset Management Group

Schedule ~~98~~

Functions delegated to joint committees

Schedule ~~109~~

Functions related to Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders

[Approved by Full Council 11 July 2016](#)~~Section 18~~

[Mendip District Council Constitution](#)

~~This document is agreed at each annual meeting of~~ [Agreed by full Council, and minor](#) ~~Minor~~
~~amendments are made by the Monitoring Officer mid term.~~

18.1 Introduction and general principles

18.1.1 This part of the constitution deals with decision-making within the Council, and explains which body or person within the Council is responsible for making decisions about particular Council functions or services. The legal rules about allocation of functions within the Council are set out in the Local Government Act 2000 and regulations made under that Act, especially the Local Government (Functions and Responsibilities) (England) Regulations 2000.

18.1.2 There are a number of levels of decision-making within the Council. More details about each of these are given later in this Section, but broadly they are as set out below. (The sections of this Constitution dealing with individual Council bodies also contain details about each body's remit and functions.)

18.1.3 The full Council is responsible for a range of higher-level decisions, such as the final decision on the most important strategies and policies, and on the setting of the budget and council tax. It is also responsible for a number of functions which the law states must not be the responsibility of the executive (the Cabinet), or where the law allows the Council to choose which of its bodies exercises a particular function ("local choice functions"). Some of these decisions can legally only be taken by the full Council. Others are delegated to committees, sub-committees or officers as permitted by ~~s.~~[Section](#) 101 of the Local Government Act 1972.

18.1.4 The Cabinet is responsible for all of the Council's functions which are not allocated to another part of the Council by law or under this Constitution. These are known as "executive functions" and make up the great majority of the decisions taken by the Council. The Cabinet also carries out those "local choice functions" which have been allocated to it under this Constitution. The Cabinet takes certain decisions collectively. Others are taken by individual members of the Cabinet (Portfolio-holders) under powers delegated to them by the Leader.

18.1.5 The law states that certain regulatory functions of the Council should not be the function of the Cabinet. These include most of the Council's planning, licensing and registration functions. The full Council has delegated responsibility for planning functions to the **Planning Board** and for licensing

and registration functions to the **Licensing Board**. These Boards in turn have delegated many decision-making powers to sub-committees or to officers of the Council.

~~18.1.6 Some executive and some non-executive decision-making powers have been delegated to the Council's **Community Partnerships** in relation to those parts of the Mendip area covered by each Partnership.~~

18.1.76 Some functions of the Council and the Cabinet have been delegated to **joint committees** made up of members of the Council and of other local authorities.

18.1.87 One committee of the Council mainly carries out responsibilities given to it by statute, rather than delegated to them by the Council. This is the **Scrutiny Board**. Its role is described in Sections 7 of the Constitution.

~~18.1.9~~ **18.1.8** Most day-to-day and operational decision-making is carried out by officers so that the Council can provide services in the most economic, efficient and effective way. The powers granted to officers to make decisions on behalf of the Council are set out in the Schemes of Delegation in Schedule 1 of this Section.

18.1.10 **18.1.9** The Monitoring Officer shall have the power to amend delegated authorities to reflect reorganisations, changes in job titles and vacancies, where the changes result in redistributing existing delegations and not the creation of new ones.

18.1.10 Where legislation specifically referred to in this Section is amended or replaced or added to by new legislation and in the Act or the XX event that the powers contained in the new legislation are substantially the same as those which it replaces or relate to the same service area, then it shall be deemed that the relevant authority delegated in their action applies as if the new legislation had been specifically referred to as regards that relevant authority.

18.2 Principles of decision-making

18.2.1 All Council decisions will be taken by the decision-maker according to the following principles:

- 1) proportionality (i.e. the action must be proportionate to the desired outcome)
- 2) due consultation and the taking of professional advice from officers

- 3) respect for human rights
- 4) a presumption in favour of openness
- 5) clarity of aims and desired outcomes
- 6) consistency with the Council's Budget and Policy Framework

18.2.2 All Council decisions will be taken in accordance with the rules applying to the decision-taking body or person as set out in this Constitution.

18.3 Decisions reserved for Full Council

The following decisions will only be taken by full Council:

- Adopting and changing the Constitution (except that minor changes and corrections may be made by the Monitoring Officer in accordance with any powers delegated to him/her).
- Making any decisions which are not in accordance with the Policy Framework or Budget (except urgent decisions under the Urgent Decisions procedure set out in Section 17). Full Council can only make such decisions in response to a recommendation from the Cabinet or Scrutiny Board.
- Making decisions on other matters referred to full Council by Scrutiny Board under the call-in procedure set out in Section 7.
- Appointing and removing the Leader.
- Appointing and removing members of Boards and Committees, complying with any legal requirements as to political balance (except that the Chief Executive and Monitoring Officer may make such appointments in accordance with any powers delegated to them , subject to ratification by full Council).
- Agreeing terms of reference for all Boards and Committees.
- Adopting an allowance scheme for members (having considered the recommendation of the Independent Remuneration Panel).
- Confirming the appointment and dismissal of the Chief Executive, the Monitoring Officer and the S151 Officer (or any other officer(s) designated to those posts), and deciding on any disciplinary action to be taken against any of them.
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
- Any local choice functions specified in Schedule 5 of this Section as being undertaken by full Council.
- Any decision to make a neighbourhood plan, a neighbourhood development order or a community right to build order.

- All other matters which, by law, must be reserved to full Council.

18.4 Planning, licensing and other non-executive functions

18.4.1 The Council's planning, licensing and registration functions, which cannot be the responsibility of the Cabinet, have been delegated to the Planning and Licensing Boards as set out below:

(a) To the Planning Board:

All functions relating to town and country planning and development control as specified in Part A, Column 1 of Schedule 1 and in Regulations 2 (2) to 2(4) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 including any additional functions added to Part A by amending legislation from time to time (see Schedule 2 of this Section for full details).

(b) To the Licensing Board:

(i) All functions relating to licensing and registration as specified in Part B, Column 1 of Schedule 1 and in Regulations 2 (2) to 2(4) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 including any additional functions added to Part B by amending legislation from time to time (see Schedule 3 of this Section for full details).

(ii) Functions under any of the "relevant statutory provisions" within the meaning of Part I of the Health and Safety at Work etc. Act 1974 (health, safety and welfare in connection with work, and control of dangerous substances), except in relation to the Council's own employees.

18.4.2 The Planning Board has delegated many day-to-day planning decisions to officers as set out in the Planning Scheme of Delegation in Part B of Schedule 1 of this Section.

18.4.3 The Licensing Board has also delegated powers to decide many licensing matters under the Licensing Act 2003 to its sub-committees and to officers, as set out in the Council's Licensing Policy (see extract in Part C of Schedule 1.) In addition, the Licensing Board resolved on 14th June 2005 to delegate to its sub-committees the following functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976:

- 1) Hearing and determining applications for a hackney carriage and private hire vehicle driver's licence or private hire operator's licence (including applications to renew any such licence) in circumstances where officers have material concerns as to whether the applicant is a fit and proper person.
- 2) Determining whether any such licence should be suspended or revoked.

18.5 Other non-executive functions

18.5.1 The non-executive functions set out in Schedule 4 of this Section cannot be the responsibility of Cabinet and may be exercised by the Chief Executive, or in his/her absence or in the case of emergency the Deputy Chief Executives or other officers as permitted by the Scheme of Delegation to Officers, or otherwise by full Council

18.5.2 Functions relating to audit, risk management, internal control and related matters have been delegated by full Council to the Audit Committee, as set out in Section 13.

18.5.3 Certain powers relating to the setting of Council tax are delegated from time to time by full Council to the Council Tax Setting Committee.

18.6 Local choice functions

Some Council functions may be the responsibility either of full Council or the Cabinet. The Council has chosen to allocate these as set out in Schedule 5 of this Section.

18.7 Cabinet functions and Cabinet Scheme of Delegation

18.7.1 The Cabinet is responsible for all functions of the Council other than those reserved to full Council or any other body by any provision of this Constitution or by the law.

18.7.2 The rules which apply to decision-making by Cabinet are set out in Section 5 of this Constitution.

18.7.3 The Leader has delegated some of its decision-making powers to individual members of the Cabinet (Portfolio-holders) as set out in the Cabinet Scheme of Delegation in Schedule 6 of this Section. Decisions by Portfolio-holders must be made in accordance with the rules set out in that Scheme.

18.7.4 The Cabinet is responsible for discharging the Council's function as charitable trustee for The Wells Recreation Ground Trust.

18.7.5 The Cabinet is responsible for certain decisions in relation to neighbourhood plans, neighbourhood development orders and community right to build orders as set out in Schedule 10 of this Section.

~~18.8~~ Community Partnerships

~~————The Council currently has three Community Partnerships, one for each of the East, Central and West areas of Mendip. These are responsible for the functions set out in Section 10.2 and may also exercise any executive functions delegated to them by Cabinet from time to time as listed in Schedule 7 of this Section. However, the Community Partnerships may be suspended from time to time as approved from time to time by full Council.~~

18.9 18.8 Joint Committees

The Council has delegated certain functions to joint committees of local authorities established under Section-101 of the Local Government Act 1972 and other enabling powers as follows:

- (a) Functions relating to internal audit matters have been delegated to a joint committee known as the South west-West Audit Partnership.
- (b) Functions relating to waste collection, waste disposal and waste management have been delegated to a joint committee known as the Somerset Waste Board.
- (c) Functions relating to building control have been delegated to a joint committee known as the Somerset Building Control Partnership.

Full details of these arrangements are set out in Schedule 9-8 of this Section.

18.109 Delegation to Officers

18.109.1 The Council and the Cabinet have delegated responsibility for most day-to-day management and operational decisions to officers of the Council. Full details of these delegated powers are set out in the Scheme of Delegation to Officers at Schedule 1, Part A of this Section.

18.109.2 Many planning and licensing decisions have been delegated to officers under the terms of the Planning Scheme of Delegation and the Council's Licensing Policy, as set out in Schedule 1, Parts B and C.

18.109.3 From time to time, a Council body may agree to delegate other specific powers to officers in relation to particular matters. These will be recorded in the minutes of the relevant body.

18.109.4 All decisions made by officers when exercising any delegated powers must be made according to the rules set out in the relevant scheme, policy or other authorisation. If these rules permit, officers with delegated powers may sub-delegate them to other officers.

SCHEDULES TO SECTION 18

Schedule 1	Part A - Scheme of Delegation to Officers
	Part B - Planning Scheme of Delegation
	Part C - Licensing Policy (extract)
Schedule 2	Functions delegated to the Planning Board
Schedule 3	Functions delegated to the Licensing Board
Schedule 4	Other non-executive functions undertaken by the Council
Schedule 5	Allocation of local choice functions
Schedule 6	Cabinet Scheme of Delegation
Schedule 7	Executive functions delegated to Community Partnerships
Schedule 8	Corporate Asset Management Group
Schedule 9	Functions Delegated to Joint Committees
Schedule 10	Functions related to Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders

Approved by Full Council 11 July 2016 ~~Section 93~~

~~Mendip District Council Constitution~~

~~This document is agreed at each annual meeting of~~ Agreed by full Council, ~~and minor~~ Minor amendments are made by the Monitoring Officer mid term.

SCHEDULE 1

PART A

SCHEME OF DELEGATION TO OFFICERS

SECTION A INTRODUCTION AND GENERAL PROVISIONS

1. Overall Basis

1.1 This Scheme delegates functions of Mendip District Council (“the Council”) its Cabinet and Boards and Committees of the Council to officers of the Council, and should be interpreted widely rather than narrowly. It is divided into the following Sections:

- A – Introduction and General Provisions
- B - General Delegations to Corporate Group Managers
- C- Specific Delegations to Chief Executive, Deputy Chief Executives and Statutory Officers

These Sections inter-relate and should not be read in isolation.

1.2 In this Scheme

1.2.1 “Officer” means the holder of any post named in this Scheme as having delegated powers and duties, including any officer acting up or seconded.

Any post specifically referred to shall be deemed to include any post subsequently created with responsibility for exercising any of such powers or duties relevant to the delegation in question.

1.2.2. “Council Decision-maker” means any constituent body of the Council or individual councillor with decision-making powers including without limitation the full Council, the Cabinet, any Board, Committee or Panel of the Council and any member of the Cabinet or Portfolio-holder.

- 1.3 This Scheme delegates power and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions or relating to those functions. It includes authority to take all steps and actions ancillary to, conducive to or to facilitate the exercise of any such power or duty and all powers and duties incidental to that legislation.
- 1.4 Any reference to an enactment in this Scheme includes reference to that enactment as amended or replaced from time to time whether before or after the date on which this Scheme was adopted and to any subordinate legislation or byelaw made under that enactment
- 1.5 Any reference in this Scheme to the Council's Constitution, its rules of procedure or any other document produced or adopted by the Council from time to time includes reference to any such document as amended or replaced from time to time
- 1.6 This Scheme operates under Sections 101, 151 and 270 of the Local Government Act 1972 and all other powers enabling the Council from time to time.
- 1.7 The delegations made under this Scheme cover both executive and non-executive functions of the Council and in relation to any particular function shall be deemed to stem from the Council Decision-maker with responsibility for that function in law or under the Council's Constitution

2. Overall Limitations and Exclusions

2.1 This Scheme does not delegate to officers:-

2.1.1 Any matter reserved to full Council in accordance with this Constitution or the law

~~2.1.2~~ Any matter which by law may not be delegated to an officer

~~2.1.3~~ Any matter expressly withdrawn from delegation by this Scheme or at any time by any Council Decision-maker

2.2 In each case the delegated authority to officers excludes:-

~~2.2.1~~ * ~~†~~The taking of decisions which are not in accordance with the budget and policy framework

- ~~2.2.2~~ * ~~—t~~The taking of decisions designated under the Council's Constitution as "key decisions"
- ~~2.2.3~~ * ~~—t~~The approval of service objectives
- ~~2.2.4~~ * ~~—t~~The approval of service or business plans
- ~~2.2.5~~ * ~~—t~~The setting of budgets
- ~~2.2.6~~ * ~~—t~~The making of compulsory purchase orders
- ~~2.2.7~~* ~~S~~setting of/changes to rents, fees, charges and concessions and ~~—related~~ ~~—~~criteria
- ~~2.2.8~~ ~~T~~* ~~—t~~he award of settlements arising from any Ombudsman's recommendation over £5000

The above shall remain the responsibility of the appropriate Council Decision-maker.

2.3 Any exercise of delegated powers by any officer shall be exercised in accordance with and subject to:

- 2.3.1 ~~—~~Any statutory restrictions
- 2.3.2 ~~—~~The Council's Constitution
- 2.3.3 ~~—~~The Council's budget and policy framework
- 2.3.4 ~~—~~All other policies or schemes approved or adopted from time to time by the Council
- 2.3.5 ~~—~~All procedural rules of the Council, including its Financial, Contract and Officer Employment Rules and any other rules relating to the employment of staff
- 2.3.6 ~~—~~The Council's approved Corporate Business and Service Plans_[d1]
- 2.3.7 ~~—~~The Council's Code of Conduct for Employees

2.4 In exercising delegated powers officers shall:-

- ~~-2.4.1~~ ~~—N~~ot go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by the Council's financial procedure rules or contracts procedure rules;
- ~~-2.4.2~~ ~~H~~ave regard to any relevant report by the Chief Executive, the Deputy Chief Execuctives, the Monitoring Officer, the S151 Officer or the Council's internal or external auditors.

3. Consultation and Reporting

3.1 An officer may always choose:

3.1.1 ~~to~~ To consult with any Council Decision-maker on the exercise of delegated powers, or

3.1.2 ~~N~~ not to exercise delegated powers but to refer the matter to the appropriate Council Decision-maker.

3.2 When exercising delegated powers, officers shall:

3.2.1 ~~m~~ Maintain a full record of the exercise of those powers, including all relevant details, in accordance with any corporate guidance given by the Monitoring Officer or other relevant officer. Specifically identify the functions to which the authorisation relates.

3.2.2 ~~where~~ Where appropriate report back to the relevant Council Decision-maker as to the exercise of those powers, identifying any conditions to which the authorisation is subject.

3.2.3 ~~have~~ Have regard to the need to consult with other relevant officers, members or professional advisers and have regard to any advice given. If such advice is not followed the officer must be able to show good cause for not following that advice.

4. Sub-delegation and Existing Delegations

4.1

4.1.1 Officers to whom powers are delegated under this Scheme may further delegate all or any of such powers to other officers (described by post), either fully or under the general supervision and control of the delegating officer. Such sub-delegations shall be made in writing and reported to the Monitoring Officer for recording _____ in the register kept in accordance with Section 100G of the Local Government Act 1972. Sub-delegations may be made across _____ service boundaries and to other Councils and their officers as appropriate. Officers to whom powers are sub-delegated may further sub-delegate those powers (or any of them) in accordance with these provisions.

4.1.2 In determining the suitability of an officer to be given such authority, regard must be had to the nature or the authority being given, the seniority of the post, the experience of the relevant officer and all the relevant circumstances so as to ensure the delegation 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 functions to which the authorisation relates.
- Identify any conditions to which the authorisation is subject.

4.2 Any sub-delegation made under the provisions of Clause 4.1 may be withdrawn at any time without notice by the delegating officer, to whom the delegated powers shall then revert.

4.3 In relation to any powers delegated to any officer before the date on which this Scheme was approved by the Council (whether by virtue of any resolution of any Council Decision-maker or under the Council's Financial or Contract Procedure Rules or any other provision of the Constitution or otherwise):

4.3.1 ~~any~~ Any such powers delegated to the Chief Executive, Deputy Chief Executives, Corporate Group Managers, the S151 Officer or the Monitoring Officer (or to any officer in any predecessor post involving any of the same or similar responsibilities) shall remain in force to the extent that they are wider than the powers delegated by this Scheme and shall have effect as if made under the provisions of this Scheme.

4.3.2 ~~any~~ Any such powers delegated to other officers shall remain in force but shall have effect as if they had been sub-delegated under Clause 4.1 of this Scheme and shall be exercised in accordance with the provisions of this Scheme.

SECTION B

GENERAL DELEGATIONS TO ~~CORPORATE GROUP~~ MANAGERS

1. Subject to the provisions of Section A, the following Corporate Group Managers are authorised to exercise all powers and duties of the Council and any other Council Decision-maker in relation to matters falling within their areas of responsibility as set out below or as varied from time to time including the authority to:
 - 1.1 ~~take~~Take all operational decisions for the delivery of services for which s/he is managerially responsible as set out below;
 - 1.2 ~~take~~Take all appropriate action which is necessary to ensure the efficient, equitable and effective delivery of those services;
 - 1.3 ~~take~~Take all action and decisions deemed necessary to enable their responsibilities as set out below to be effectively discharged.
 - ~~1.4 Appoint co-opted members to the Community Partnerships, on the recommendation of the relevant Partnership and subject to the ratification of full Council at its next meeting.~~
2. In the absence of the relevant ~~Corporate Group~~ Manager, the Chief Executive or any the Deputy Chief Executives, any other Group Manager is ~~other Corporate Manager is~~ authorised to exercise all powers and duties as detailed in 1 above for all the areas of responsibility as set out below.

A) Corporate Group Manager – ~~Access to Services~~ Corporate Services

Areas of Responsibility

Information Communication Technology

- ~~Management of services, systems and staff relating to~~ ICT functions including network, desktop support, applications support, provision of IT hardware, GIS, Website and Telephony.
- Street Naming and Numbering, ~~Graphic, Print, Postal and Stationary services.~~
- ICT projects.

Performance Management and Improvement

- Performance management and review.
- [s2] Complaints and Feedback System.
- Improvement Research and Projects.
- Corporate Policy Architecture.
- Development of the Corporate Plan.
- Parish and Voluntary Sector development.

Approved by Full Council 11 July 2016~~Section 16~~

Mendip District Council Constitution

This document is agreed at each annual meeting of ~~Agreed by full Council, and minor~~ Minor
amendments are made by the Monitoring Officer mid term.

~~— Strategy and diversity
Parish and Voluntary Sector development~~

~~**Marketing and Communications**~~

- ~~• Internal communications.~~
- ~~• Press, PR and Marketing Services.~~
- ~~• Consultation.~~

~~— Information Governance Policy and Framework
Freedom of Information and Data Protection~~

~~— Internal communications.~~

~~— Press, PR and Marketing services.~~

Human Resources

- Strategic Human Resource.
- Equalities and Diversity.

Procurement

- Strategic procurement.

Local Land Charges

Property and Assets

- The strategic management of the Council's land, property and other assets.
- Functions relating to Assets of Community Value.
- Major and minor asset programmes including acquisition and disposal of land and other property to include:
 - granting of leases and licences
 - renewal of leases and the granting or refusing of consent required under the terms of any lease
 - granting or acquiring any easement or wayleave
 - granting of permission for temporary or seasonal use of property
 - authorising any repairs or adaption's to any property owned by the Council
 - applying for deemed planning consent in relation to any property owned by the Council.
 - Development briefs affecting Council assets and other land under Town and Country Planning legislation.

Financial, including

~~All financial matters and services not delegated to the S151 Officer.~~

Contracts

~~The monitoring and management of the Council's Business Support Contract~~

Revenues and Benefits

- ~~• The billing and collection of national non-domestic rates and council tax.~~
- ~~• Administration of housing and council tax benefits.~~

Customer Services

~~Management of services, systems and staff relating to customer services.~~

Fraud Investigations

~~The prevention, detection and prosecution of council tax and benefit fraud~~

B) Corporate Group Manager – Built Environment Planning and Growth Services

Areas of Responsibility

Economic Development and Growth

- ~~• Inward Investment.~~
- ~~• Business support and promotion.~~

Town and Country Planning and Development Control

- ~~• Planning applications.~~
- ~~• Listed buildings, conservation areas and historic environment.~~
- ~~• except as delegated to any other Corporate Manager~~
- ~~• Trees and hedgerows.~~
- ~~• Hazardous substances.~~
- ~~• Environmental impact assessment.~~
- ~~• S.106 agreements and Community Infrastructure Levy.~~

- Community and neighbourhood planning ~~and consultation~~, including as provided for under the Localism Act 2011 .
- ~~Local Development Framework~~Local Plan.
- Other planning policy matters.
- ~~Other functions under Town and Country Planning and Localism legislation and policy guidance except as delegated to any other~~ Corporate Group Managers.
- Planning Enforcement.
- Affordable Housing Enabling.

Heritage and Conservation

- Identification and modification of conservation areas.
- Protection and enhancement of listed buildings.
- Administration of grant schemes to enhance/improve listed buildings.

C) Housing, including Group Manager Housing Services

Areas of Responsibility

- Housing and homelessness strategy.
- Functions in relation to temporary accommodation, homelessness, housing options, and homelessness prevention.
- ~~All other functions of the Council in relation to housing.~~
- Empty homes functions.
- Housing Standards functions and Environmental Health functions relating to dwellings (including enforcement)
- Functions relating to Disabled facilities.
- Functions relating to housing improvement.
- Functions relating to Choice Based Lettings and Housing Register.
- ~~_____~~

~~C) _____ Policy & Performance (Direct to the Chief Executive)~~

~~_____ Areas of Responsibility~~

Strategic

- ~~To lead on the strategic development and delivery of the Corporate Plan and other corporate policies.~~
- ~~Strategic planning.~~

Performance Management and Improvement

- ~~Performance management and review.~~
- ~~All functions relating to Best Value.~~
- ~~Feedback System.~~

Corporate Policy and Research

- ~~To lead the Council's approach in all corporate policy matters.~~
- ~~Community Strategy and Mendip Strategic Partnership.~~
- ~~Equalities.~~

Consultation and Communications

- ~~Internal communications.~~
- ~~Press and PR services and the Council's web-site.~~

D) D) Corporate Group Manager – Law and Governance Services, Monitoring Officer Governance, Assets and Public Spaces and Monitoring Officer

Areas of Responsibility

Corporate Support ServicesLegal

- ~~The provision of legal services to the Mendip District Council, Taunton Deane Borough Council and West Somerset District Council.~~

Governance

- ~~Ethical Sstandards and Governance.~~
- ~~DThe provision of democratic services.~~
- ~~-and Member support.~~

- Member development.
- ~~—~~ Data Protection and Freedom of Information
- ~~—~~ The Information Governance Policy and framework including; Data Protection and Freedom of Information
- Human Resources.
- Election Services.
- Information Governance, including Data Protection and Freedom of Information.

Support

- - ~~—~~ Local Land Charges.
 - ~~—~~ Election Services
 - ~~—~~ Procurement.
 - ~~—~~ Functions relating to Community Right to Challenge.
 - ~~—~~ Procurement
 - ~~—~~ Localism Act 2011
 - ~~—~~ Community Right to Challenge: to administer the regime in accordance with the 'Community Right to Challenge — Guidance & Procedure' from time to time in force; and
- but excepting:
- ~~—~~ disposing by sale of land or buildings exceeding £10,000 in value;
 - ~~—~~ any dealing with a minor asset which is novel and/or contentious.

~~—~~ **Strategic Asset Delivery**

- ~~—~~ The strategic management of the Council's land, property and other assets.
- ~~—~~ Together with the Deputy Leader to determine applications for any application for a review of the decision of the Corporate Asset Management Group regarding a decision to include an asset on the List of Assets of Community Value and to determine requests from an asset owner for compensation in accordance with The Asset of Community Value (Community Right to Bid) procedure.
- ~~—~~ Major and minor asset programmes including acquisition and disposal of land and other property to include:

- ~~granting of leases and licences~~
- ~~renewal of leases and the granting or refusing of consent required under the terms of any lease~~
- ~~granting or acquiring any easement or wayleave~~
- ~~granting of permission for temporary or seasonal use of property~~
- ~~authorising any repairs or adaption's to any property owned by the Council~~
- ~~applying for deemed planning consent in relation to any property owned by the Council.~~
- ~~Development briefs affecting Council assets and other land under Town and Country Planning legislation.~~
- ~~CCTV.~~

● ~~Localism Act~~

- ~~Community Right to Bid: to administer the regime in accordance with the 'Community Right to Bid – Guidance & Procedure' from time to time in force.~~

E) Operational Assets and Contract Delivery Group Manager Neighbourhood Services

Areas of Responsibility

- Management, monitoring and improvement of Core Services; Somerset Waste Partnership; Fusion Lifestyle and NSL.
- Cemetery Management and Welfare Burials.
- Parks, Play and Open Spaces.
- Engineering and Flood Alleviation.
- CCTV.
- Facilities Management and Public Convenience.
- Markets and Events.
- Waste and Recycling.
- Car Parking and Road Closures.
- Street Cleaning and other cleaning services.
- Asset Maintenance.
- Corporate Health and Safety.
- Customer Services, Meet and Greet and Council Access Points.
- Community Protection.
- ~~Maintenance of the Council's assets, including offices and facilities.~~

- ~~Management and monitoring of Council contracts (excluding business support services contract).~~
- ~~Engineering projects and land drainage.~~
- ~~Market management.~~
- ~~Facilities and caretaking services and security.~~
- ~~Bereavement.~~
- ~~Health and Safety~~

F) Group Manager Community Health Services

Areas of Responsibility

Environmental Health

~~E) Corporate Manager – Regulatory Services~~

~~Compliance and Enforcement~~

- ~~All functions under environmental protection legislation and policy guidance.~~
- ~~All environmental health functions not delegated to another Corporate Group Manager.~~
- ~~Community safety and safeguarding functions~~
- ~~Public health functions~~

Community Health

- Public Health and Wellbeing (including being Proper Officer within the meaning of Section 75 of the Public Health (Control of Disease) Act 1984, as amended by the Health and Social Care Act 2008 and other supporting regulations).
- Community safety (including functions under the Crime and Disorder Act 2000 (as amended), the Council's Crime and Disorder Reduction Strategy and the Anti Social Behaviour, Crime and Policing Act 2014 (New Tools and Powers)).
- Environmental Protection.
- Air Quality and Control of Pollution.
- Contaminated Land.
- Private Water Supply Safety.
- Food Safety and Nutrition.
- Health and Safety (other than in relation to the Council's duties as an employer).

- Public Safety.
- Functions under the Licensing Act 2003, Gambling Act 2005 and all functions of the Council in relation to Licensing.
- Civil Contingencies and Emergency Planning.
- Corporate Health and Wellbeing.

Compliance

- ~~Civil Contingencies.~~
- ~~Health promotion functions of the Council.~~
- ~~Housing Standards.~~
- ~~Food Safety and nutrition. Functions under Public Health legislation and animals.~~
- ~~Health and safety matters (other than in relation to the Council's duties as an employer). Private water supplies. Functions under the Licensing Act 2003 and the Gambling Act 2005.~~
- ~~All other functions of the Council in relation to licensing.~~

Enforcement

- ~~Community safety including functions under the Crime and Disorder Act 2000 (as amended), the Council's Crime and Disorder Reduction Strategy and the Anti Social Behaviour, Crime and Policing Act 2014 (New Tools and Powers)~~
- ~~Control of pests.~~
- ~~Control of pollution.~~
- ~~Car parks and transport~~
- ~~Environmental protection~~
- ~~Contaminated land~~
- ~~Temporary road closures under the Town and Police Clauses Act 1847~~
- ~~Planning enforcement~~
- ~~Licensing enforcement~~
- ~~Management and removal of abandoned vehicles~~
- ~~Control of fly tipping~~

3. Without prejudice to the generality of Clause 1 above, Corporate Group Managers, (or an officer with a valid and current sub-delegation, are authorised to take the following actions and decisions in relation to their area of managerial responsibility from time to time, subject to Clause 3.2.3 of Section A above and to the exclusions and limitations set out in this Scheme:

- 3.1 Manage the human resources within their remit, including the appointment of staff. In consultation with the Strategic Human Resources Advisor and the ~~Council's Legal Advisor~~ Monitoring Officer as necessary, to deal with the discipline, suspension and dismissal of staff including any proposed compromise arrangements. And decisions on matters relating to the health and safety of staff.
- 3.2 Prepare and implement any necessary or required plans or strategies for appropriate approvals.
- 3.3 Make bids or requests for financial or other support from any government or other relevant agency.
- 3.4 Determine all applications for financial assistance or grant from the Council or in relation to funds managed or overseen by the Council.
- 3.5 Take any action required to implement any decision of Council, Cabinet, Board, Committee or properly constituted body of the Council.
- 3.6 Implement any approved service or business plans.
- 3.7 Respond to government or other consultation papers or documents and make representations on matters of interest to the Council to appropriate authorities.
- 3.8 Make representations to any statutory or other body necessary to give effect to a decision of the Council or any Council Decision maker.
- 3.9 Take decisions necessary or appropriate to give effect to approved capital and revenue budgets and programmes, and take any other decisions necessary or authorised under the Council's Financial Procedure Rules or Contracts Procedure Rules.
- 3.10 Authorise payments to any person or body in accordance with the Council's Financial Procedure Rules and exercise any other powers and duties in relation to financial matters conferred on them by those Rules from time to time.
- 3.11 Collect all income, including fines and penalties due to the Council, together with appropriate interest and costs.
- 3.12 In consultation with the Corporate Support Services Group Manager, enter into and manage contracts in accordance with the Council's Contracts Procedure Rules and exercise any other powers and duties in relation to contracts conferred on them by those Rules from time to time.
- 3.13 Dispose of surplus or obsolete equipment at the best price obtainable.
- 3.14 Issue and serve statutory and other notices, make, amend or revoke any orders, institute formal cautions, take enforcement and default action under all legislation relevant to their functional area, authorise entry to land in pursuance of statutory powers and authorise the execution of work consequent on non-compliance with any notice or order.
- 3.15 Sign all documents required to be executed in connection with any function delegated to them under this Scheme.

- 3.16 In consultation with the ~~Council's Legal Adviser~~ Monitoring Officer, determine all claims and applications made to the Council including in its capacity as licensing or planning authority.
- 3.17 Designate conference attendance by members of the Council as "approved" for the purposes of the payment of allowances in consultation with the ~~Council's Legal Adviser~~ Monitoring Officer authorise officers to enter and inspect premises and vehicles, collect evidence, take samples, require information, serve notices, issue orders, determine applications for licenses, approvals and authorisations and take any other action under the provisions of any legislation relating to the Council's function.

SECTION C

**SPECIFIC DELEGATIONS TO CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVES, MONITORING OFFICER AND SECTION 151 OFFICER AND STATUTORY OFFICERS, ~~LEGAL ADVISOR~~ and ~~CORPORATE MANAGER~~
**BUILT EN
VIRONMENT****

The following specific officers are authorised to exercise the powers and duties set out below subject to the specific exclusions set out and the provisions of Sections A and B:

1. Chief Executive

- 1.1 To be and to exercise the powers and duties of the Head of Paid Service under the Local Government and Housing Act 1989.

- 1.2 To authorise or do any act or thing necessary to effect any decision of any Council Decision-maker.
- 1.3 To be responsible for the overall strategic and corporate management, people strategy, policy and performance, programme implementation and performance review of the Council.
- 1.4 To exercise or carry out any functions, powers or duties of the Council not falling within any of the exceptions to this Scheme and not specifically allocated under this Scheme to any other officer (whether in relation to legislation coming into force after the date of adoption of this Scheme or otherwise).
- 1.5 In any case where s/he so determines, to exercise any of the powers and duties allocated to any other officer (whether under the provisions of this Scheme or by virtue of any decision of the Council or any of its constituent bodies) save in respect of any such powers and duties exercisable by such officer in their capacity as a statutory officer.
- 1.6 To issue instructions and directions to any officer of the Council save in respect of the Council's statutory officers when acting in such capacity.
- 1.7 In cases of urgency or emergency, and after consultation with the Leader where reasonably practicable, to incur any expenditure or take any decision on behalf of the Council where in his/her opinion it would be impractical to implement the normal decision-making procedures.
- 1.8 To sign any notice, order, contract or other document on behalf of the Council and to affix the Common Seal of the Council to any document and in the absence of the ~~Monitoring Officer and Legal Advisor~~ Monitoring Officer to discharge the functions delegated to this officer under paragraph 3.7 hereof.
- 1.9 To appoint members to Boards, Committees and other Council bodies, to fill casual vacancies, in accordance with the wishes of the leaders of the political groups which have nomination rights and in accordance with statutory rules on proportionality.

- 1.10 To appoint the membership of appeals and complaints panels, in accordance with rules on proportionality and nominations made by group leaders where appropriate.
- 1.11 To appoint members to the Independent Remuneration Panel in consultation with the political group leaders on such terms and conditions as s/he considers appropriate in the light of such consultation.
- 1.12 To be the Council's Returning Officer and Electoral Registration Officer, and in particular to decide on the action to be taken in respect of the following in relation to district and parish elections:
- 1.12.1 ~~any~~ Any issue relating to nomination papers
 - 1.12.2 ~~any~~ Any alleged infringement of electoral law or practice
 - 1.12.3 ~~matters~~ Matters relating to the administration of the election, counting of votes or anything done by any candidate or agent

1.13 To manage and monitor the Business Support Contract

~~2. S151 Officer, the Council's Legal Advisor and the Corporate Manager Built Environment~~ Deputy Chief Executives

2.1 In the absence of the Chief Executive or in the case of urgency discharge of powers, functions and duties under paragraph 1 above, ~~to be responsible for the management of the Council's activities, processes and programmes.~~

2.2 To be responsible for the management of the Council's activities, processes and programmes.

~~2.2.3~~ All powers, duties and functions relating to the responsibilities, powers and duties of the Council as an employer, except ~~as delegated to specific officers under this Scheme or relating to:~~

~~2.23.1~~ 2.23.1 ~~The terms and conditions of employment of the Chief Executive,~~ Corporate Managers and any other Chief Officers

~~2.23.2~~ 2.23.2 ~~Changes to the Council's corporate pay grade structure.~~

~~2.23.3~~ 2.23.3 ~~The appointment or dismissal of or any disciplinary action relating to the Chief Executive,~~ or any Chief Officer.

2.4

~~2.3~~ To write off irrecoverable debts in accordance with the limits set out in the ~~Council's Financial Procedure Rules.~~

~~2.4~~ 2.5 To execute all documents and take all actions and decisions deemed necessary to enable his/her responsibilities as set out above to be effectively discharged. (Or an officer with a valid and current sub-delegation. See Clause 4 of Section A above),

~~2.5~~ 2.6 To sign any notice, order, contract or other document on behalf of the Council and to affix the Common Seal of the Council to any document.

~~2.6~~ ~~2.7~~ ~~In the absence of the Chief Executive and in cases of urgency to exercise any of the powers or duties allocated to him or her.~~

3. **Monitoring Officer and Solicitor to the Council ~~Legal Adviser~~ (referred to as Monitoring Officer)**

3.1 -To be and to carry out all statutory functions of the Monitoring Officer.

3.2 To carry out any functions allocated to the ~~Legal Adviser~~Monitoring Officer under the Council's Constitution or any of its procedural rules.

3.3 To sign any notice, order, contract or other document on behalf of the Mendip District Council, Taunton Deane Borough Council and West Somerset District Council and to affix the Common Seal of the aforesaid Council's to any document.

3.4 To correct errors or mistakes in the Constitution or to change the Constitution to reflect changes that occur from time to time.

3.5 To make other minor changes to the Constitution subject to consultation with the following:

- The Leader of the Council
- The Chair of any Board or Committee affected by the proposed change
- The Chair of the Scrutiny Board
- The Deputy Chief Executives.

- 3.6 To execute all documents and take all actions and decisions deemed necessary to enable his/her responsibilities as set out above to be effectively discharged.
- 3.7 Subject to being satisfied as to the evidence, to institute, conduct and settle legal proceedings on behalf of the Mendip District Council, Taunton Deane Borough Council and West Somerset District Council in any court of law, tribunal or other body (including all administrative and ancillary acts incidental thereto) and in the absence of the Monitoring Officer ~~and Legal Advisor~~ the Deputy Monitoring Officer is so authorised to exercise this delegation.
- 3.8 To authorise officers to appear on behalf of Mendip District Council, Taunton Deane Borough ~~council~~ Council and West Somerset District Council in proceedings before the courts and/or tribunals.
- 3.9 To obtain the opinion of counsel on any question of doubt or difficulty concerning the business of Mendip District Council, Taunton Deane Borough Council and West Somerset District Council and to instruct counsel to represent the aforesaid Councils in any form of proceedings.
- 3.10 To instruct solicitors and/or experts to provide advice and/or to represent Mendip District Council, Taunton Deane Borough Council and West Somerset District Council.
- 3.11 In consultation with those Officers and Members stipulated in the Petition Scheme to determine whether any petition received by the Council should be excluded from the Petition Scheme for any of the reasons referred to in the Petition Scheme.

3.12 To carry out the function of Senior Information Risk Owner.

3.13 To grant exemptions on the political restrictions of Officer posts under the Localism Act 2011

~~3.12~~

~~3.13~~3.14 To carry out the following functions in relation to building control functions as exercised in the area of Sedgemoor District Council pursuant to the Somerset Building Control Partnership:

- To institute conduct and settle legal proceedings in any court of law tribunal or other body including all administrative and

ancillary acts incidental thereto subject to being satisfied as to the evidence

- To authorize officers to appear on behalf of Sedgemoor District Council in proceedings before the courts and/or tribunals
- To obtain the opinion of Counsel in connection with any such matter
- To instruct solicitors and/or experts to provide advice or representation in connection with any such matter

4. S151 Officer

~~4.1~~ 4.1 To be the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and to exercise any statutory powers and duties.

~~4.2~~ 4.2 To facilitate and manage the coordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.

~~4.2~~ 4.3 To manage the Council's financial affairs and services, including all matters relating to the Collection Fund, General Fund, treasury management, reserves and provisions, subsidiary accounts and all other funds established under statutory requirements.

~~4.3~~ 4.4 To authorise (following consultation with the relevant ~~Corporate~~ Group Manager and the Monitoring Officer) the making of any ex-gratia payment up to £1000 per event in circumstances where there is no legal liability.

~~4.4~~ 4.5 To finance the capital programme in a way which in his/her opinion safeguards and optimises the Council's resources, including the transfer and return of borrowing approvals to other local authorities.

~~4.5~~ 4.6 To write off irrecoverable debts in accordance with the limits set out in the Council's Financial Procedure Rules.

~~4.6~~

4.7 To exercise any other powers conferred on him/her under the Council's Contract or Financial Procedure Rules from time to time.

4.7

4.8 To execute all documents and take all actions and decisions deemed necessary to enable his/her responsibilities as set out above to be effectively discharged.

~~4.8~~

4.9 To be responsible for audit, risk management and insurance arrangements for the Council.

Part B

MENDIP DISTRICT COUNCIL

SCHEME OF DELEGATION FOR PLANNING

1. Introduction

1.1 The Council's legal powers to decide planning applications and related matters are delegated by its Constitution to the Planning Board ("the Board"). However, the Board has delegated most routine planning decisions to officers of the Council. This has the following benefits:

- Simplifying procedures and speeding up the planning process
- Minimising costs and improving service delivery
- Allowing the Board to focus its time and effort on the most significant matters;
- Releasing officer resources to focus on other areas of work to achieve service improvements and better quality development

1.2 Section 101 of the Local Government Act 1972 requires that a list of functions delegated to officers is kept, and made available for public inspection. This Scheme, together with the Council's Scheme of Delegation to Officers as contained in its Constitution ("the General Scheme") fulfils that role in relation to the Council's planning functions.

1.3 This Scheme delegates certain powers to the Council's [Group Corporate Manager for Planning and Growth Built Environment](#) ('[GCM PGBE](#)') and other officers, but is not intended to restrict the exercise of any powers in relation to planning or related matters which are delegated to other officers under the General Scheme.

1.4 Where any officer has delegated powers under this Scheme, he or she may refer the matter to the Board or to the [GMPG CMBE](#), as appropriate, for determination rather than exercise that delegated authority themselves.

1.5 Powers relating to planning matters which are not delegated to officers by this Scheme or the general Scheme of Delegation to Officers will continue to be exercised by the Board.

1.6 Any reference to an enactment in this Scheme includes reference to that enactment as amended or replaced from time to time whether before or after the date on which this Scheme was adopted and to any subordinate legislation or bylaw made under that enactment.

2. Scope of Delegation

2.1 The GMPGCMBE is delegated full authority under this Scheme to discharge all statutory functions of the Council relating to:

- control of development
- regulation of the use of land
- other forms of regulation under environmental and planning legislation; and
- other matters as specified in this Scheme.

2.2 This delegation is subject to the exceptions set out in Clause 3 and any express withdrawal of delegation by the Board at any time.

2.3 Where the Board has given instructions or made a decision in relation to a matter, the GMPGCMBE shall exercise his or her delegated powers in accordance with those instructions or decision. The GMPGCMBE shall have regard to the need to consult with other relevant officers, members or professional advisers and shall have regard to any advice given. If such advice is not followed the GMPGCMBE must be able to show good cause for not following that advice.

2.4 The following powers fall within the scope of the general authority delegated to the GMPGCMBE by this Scheme, but are not exclusive and should not be read as limiting that authority:

2.4.1 General

- a) to determine (and, where appropriate, decline to determine) all applications submitted to the Council in relation to any planning matter, including applications for planning permission, the discharge or variation of conditions imposed on planning consents, the modification of planning consents, listed building consent, conservation area consent, consent to display advertisements, hazardous substances consent, and applications relating to the siting of caravans;
- b) to agree non material amendments to approved proposals where in the

opinion of the ~~GMPGCMBE~~ a fresh application is not justified;

- c) to determine all matters submitted for approval in accordance with any condition imposed on a planning or other permission, or any provision of any planning obligation, planning agreement or unilateral undertaking;
- d) to determine applications for certificates of lawful use or development under Sections 191 and 192 of the Town and Country Planning Act 1990;
- e) to grant any approval and to respond to any consultation sought under Article 3 and Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 (to include responding to all prior notifications and determining applications for approval in relation to overhead electricity, telecommunication, and agricultural development);
- f) to issue certificates of alternative development under the Land Compensation Act 1961;
- g) to issue Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 restricting the exercise of permitted development rights;
- h) to exercise all of the Council's functions with respect to 'screening' and 'scoping' opinions under the Town and Country Planning Acts and the Town and Country Planning (Environmental Impact Assessment) Regulations 1999;
- i) to respond to any notification received or consultation sought in relation to any planning or land use matter;
- j) to consult any bodies or organisations on any planning or other application in which they may be interested;
- k) to determine all matters arising in relation to the fees payable for applications or deemed applications
- l) to refund or waive planning fees, where it is appropriate to do so, in response to a well-founded complaint about the way in which a matter has been administered or processed by the Council;
- m) in consultation with the ~~Council's Legal Adviser~~Monitoring Officer where appropriate, to make decisions relating to the Council's case to

be presented at appeals including decisions as to whether to appoint legal representatives or consultants to act upon the Council's behalf and whether to submit claims for costs against an appellant.

2.4.2 Trees and hedges

- a) to exercise the Council's statutory functions in relation to the protection of trees, including:
 - (i) confirming unopposed or opposed tree preservation orders, or deciding not to do so;
 - (ii) making provisional tree preservation orders or deciding not to do so;
 - (iii) amending a tree preservation order to deal with valid objections;
 - (iv) determining applications to fell or carry out works to trees that are the subject of a tree preservation order;
 - (vi) responding to notices of intent to carry out works to trees within a conservation area;
 - (vii) authorising the issuing and serving of tree replacement notices;

- b) to exercise the Council's powers under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to dangerous trees;

- c) to exercise the functions set out in the Environment Act 1995 and the Hedgerows Regulations 1997 as they relate to hedgerow protection, including making, revoking or varying a hedgerow retention notice;

- c) to exercise all the functions of the Council in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003 to include:
 - (i) deciding whether to proceed with a complaint relating to high hedges;
 - (ii) determining a complaint relating to high hedges;

- (iii) authorising the serving of a remedial notice in respect of any remedial works that in the opinion of the GMPGCMBE are required to be carried out to high hedges.

2.4.3 Enforcement

- a) to serve notices requiring information under the Town and Country Planning Acts or any other empowering legislation;
- b) to authorise officers to enter land or premises for inspection, investigation or other purposes in connection with the Council's function as local planning authority;

2.4.4. Section 106 agreements and unilateral undertakings

In consultation with the ~~Council's Legal Advisor~~Monitoring Officer and subject to any direction or instruction of the Board:

- a) to determine the terms to be included in any Section 106 planning obligation or unilateral undertaking, and to enter into such obligations or undertakings;
- b) to agree to any variation of the terms of any existing planning obligation or unilateral undertaking, or to modification or revocation;

3. Exceptions to delegated powers

3.1 The following decisions are not within the scope of the powers delegated by this Scheme and shall be taken by the Board or by the **GMPGCMBE** if included in the powers delegated to him or her under the General Scheme from time to time:

- a) Matters which are referred to the Board in accordance with the Council's ward member consultation arrangements as approved by the Board from time to time;
- b) Where the officer's recommendation is for approval, but this would represent a significant departure from the Council's approved development policies;
- c) Where the proposal involves the Council as applicant or land-owner except where applications are for works to protected trees;
- d) Where the application is made by a member of the Council or by any of the Council officers listed below, or it involves land owned by any of them:

- Members of the Council's Strategic Leadership Team;
- Group Managers of each service area of the Council;
- Members of staff employed in the Planning and Growth Group;
- Where the applicant is directly related or a close friend of a member of staff in the Planning and Growth Group;
- Any other employee who has any involvement with the planning process in the course of their duties.
- ~~• M members of staff employed in the Built Environment Planning and Growth G group;~~
- ~~• Where the applicant is directly related or a close friend of a member of staff in the Built Environment Planning and Growth G group;~~

- e) Where a member of the Council or an officer is personally involved as agent, consultant or in any other advisory capacity;
- f) Matters which the **GMPGCMBE** considers should be considered by the Board due to their size, nature or impact, or for any other reason, including probity. In accordance with the provisions of the Council's Code of Good Practice for Planning, this may include applications submitted (whether as applicant or agent) by any person, firm or company closely connected with a member or officer of the Council;

- g) the revocation of any planning or other permission, with or without the payment of compensation by the Council;
 - h) the discontinuance of use or alteration or removal of buildings or works with or without the payment of compensation by the Council pursuant to Section 102 of the Town and Country Planning Act 1990;
- 3.2** The powers delegated under this Scheme shall also be subject to the general limitations and exclusions set out in Section A, Clause 2 of the General Scheme.

4. Delegation to other officers

- 4.1** Any of the powers delegated to the GMPGCMBE under this Scheme may be further delegated to other officers (described by post), either fully or under the general supervision and control of the GMPGCMBE. Such sub-delegations shall be made in writing and reported to the Monitoring Officer for recording in the register of delegations kept in accordance with Section 100G of the Local Government Act 1972.
- 4.2** Sub-delegations may be made across service boundaries and to other Councils and their officers as appropriate. Officers to whom powers are sub-delegated may further sub-delegate those powers (or any of them) in accordance with these provisions. All sub-delegated powers shall be exercised in accordance with the provisions of this Scheme as they apply to the GMPGCMBE.
- 4.3** Any sub-delegation may be withdrawn at any time without notice by the delegating officer, to whom the delegated powers shall then revert. In the absence for any reason of the officer to whom any powers have been sub-delegated, those powers may be exercised by the delegating officer for the period of such absence.
- 4.4** Any powers delegated to any officer before the date of approval of this Scheme (whether by the GMPGCMBE, the Board or otherwise) shall remain in force, but shall have effect as if they had been sub-delegated under Clause 4.1 of this Scheme and shall be exercised in accordance with the provisions of this Scheme.

- 4.5 In the absence for any reason of the CMBE, the powers delegated to the ~~GMPGCMBE~~ under this Scheme may be exercised by the Planning Manager~~a duly appointed GMPG Deputy~~.
- 4.6 From time to time, the ~~GMPGCMBE~~ shall circulate to all officers exercising delegated powers under this Scheme good practice guidance on the recording of delegated decisions. Wherever practicable, this recording should include the name of the officer making the decision, the date of the decision, a brief summary of the reasoning behind the decision, and details of those informed of the outcome.

PART C LICENSING POLICY (EXTRACT)

Table Of Delegations Of Licensing Functions

The Licensing Authority has followed the Statutory Guidance in relation to this matter. Many of these functions will be purely administrative in nature. This Policy reflects this point, by underlining the principle of delegation, in the interests of speed, efficiency and cost effectiveness

MATTER TO BE DEALT WITH	FULL BOARD	<i>SUB-COMMITTEE</i>	<i>OFFICERS</i>
Application for personal licence		If a police objection	If no objection
Application for personal licence, with unspent convictions		All cases	
Application for Premises Licences/Club Premises Certificate		If a relevant representation	If no relevant representation
Application for provisional statement		If a relevant representation	If no relevant representation
Application to vary Premises Licences/club registration certificate		If a representation	If no representation
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of Premises Licences		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licences/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Application for a minor variation			All cases
Application to remove the requirement for a designated premises supervisor and personal licence at a community premises			All cases

Approved by Full Council 11 July 2016 ~~Section 41~~

Mendip District Council Constitution

This document is agreed at each annual meeting of Agreed by full Council, and minor Minor amendments are made by the Monitoring Officer mid term.

SCHEDULE 2

FUNCTIONS DELEGATED TO THE PLANNING BOARD

(These functions are as listed in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as at August 2006, but the functions delegated to the Board will also include any additional functions added to Part A by amending legislation from time to time).

Functions relating to town and country planning and development control

Provision of Act or Statutory Instrument

- | | |
|--|---|
| 1. Power to determine application for planning permission. | Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8). |
| 2. Power to determine applications to develop land without compliance with conditions previously attached. | Section 73 of the Town and Country Planning Act 1990. |
| 3. Power to grant planning permission for development already carried out. | Section 73 of the Town and Country Planning Act 1990. |
| 4. Power to decline to determine application for planning permission. | Section 70A of the Town and Country Planning Act 1990. |
| 5. Duties relating to the making of determinations of planning applications. | Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder. |

6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990

- | | |
|---|--|
| 17. Power to determine applications for hazardous substances consent, and related powers. | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10). |
| 18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act. |
| 19. Power to require proper maintenance of land. | Section 215(1) of the Town and Country Planning Act 1990. |
| 20. Power to determine application for listed building consent, and related powers. | Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9). |
| 21. Power to determine applications for conservation area consent. | Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act |
| 22. Duties relating to applications for listed building consent and conservation area consent. | Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97. |
| 23. Power to serve a building preservation notice, and related powers. | Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. |
| 24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area. | Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. |

- | | |
|---|---|
| 25. Powers to acquire a listed building in need of repair and to serve a repairs notice. | Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. |
| 26. Power to apply for an injunction in relation to a listed building. | Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 |
| 27. Powers relating to the protection of important hedgerows. | The Hedgerows Regulations 1997 (S.I. 1997/1160). |
| 28. Powers relating to the preservation of trees. | Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892). |
| 29. Power to execute urgent works. | Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. |

SCHEDULE 3

FUNCTIONS DELEGATED TO THE LICENSING BOARD

(These functions are as listed in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, but the functions delegated to the Board will also include any additional functions added to Part B by amending legislation from time to time.

Functions relating to licensing and registration (in so far as not covered by any other paragraph of this Schedule	Provision of Act or Statutory Instrument
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. C. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. C. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

[Approved by Full Council 11 July 2016](#) ~~Section 46~~

[Mendip District Council Constitution](#)

~~This document is agreed at each annual meeting of~~ [Agreed by full Council, and minor](#) ~~Minor~~ [amendments are made by the Monitoring Officer mid term.](#)

5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2).
7. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
8. Functions relating to licensing	Section 5 to 8 of the Licensing Act 2003 (c.17)
9. Functions relating to gambling	Gambling Act 2005
10. Power to certificate films	Video Recordings Act 1984
11. Power to resolve not to issue a casino premises licence	Section 166 of the Gambling Act 2005
12. Power to licence sexual entertainment venues	S27 Policing and Crime Act 2009 (amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).

15. Power to register premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii).
18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66).
19. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
20. Power to register scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).
21. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).
22. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963(c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.

23. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
24. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37)
25. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
26. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
27. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).
28. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44).
29. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
30. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).
31. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
32. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
33. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)

34. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
35. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
36. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
37. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
38. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
39. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
40. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
41. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.

SCHEDULE 4

OTHER NON-EXECUTIVE FUNCTIONS UNDERTAKEN BY THE COUNCIL

(These functions are as listed in Parts D to I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as at August 2006, but the functions undertaken by the Council will also include any additional functions added to those Parts by amending legislation from time to time).

Functions relating to elections	Provision of Act or Statutory Instrument
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c. 10).

8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).

17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000. Section 10 of the Representation of the People Act 2000 (c. 2).

Functions relating to name and status of areas and individuals

- | | |
|--|--|
| 1. Power to change the name of a district. | Section 74 of the Local Government Act 1972. |
| 2. Power to change the name of a parish. | Section 75 of the Local Government Act 1972. |
| 3. Power to confer title of honorary alderman or to admit to be an honorary freeman. | Section 249 of the Local Government Act 1972. |
| 4. Power to petition for a charter to confer borough status. | Section 245b of the Local Government Act 1972. |

Power to make, amend, revoke or re-enact byelaws Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30)

Power to promote or oppose local or personal Bills. Section 239 of the Local Government Act 1972.

Functions relating to pensions etc.

- | | |
|--|--|
| 1. Functions relating to local government pensions, etc. | Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11) |
|--|--|

Miscellaneous functions

- | | |
|---|--|
| 1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). | The Accounts and Audit Regulations 1996 (S.I. 1996/590). |
| 2. Power to make standing orders. | Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972. |
| 3. Power to appoint staff. | Section 112 of the Local Government Act 1972. |
| 4. Power to make standing orders as to contracts. | Section 135 of the Local Government Act 1972. |
| 5. Power to make payments or provide other benefits in cases of maladministration etc. | Section 92 of the Local Government Act 2000. |

SCHEDULE 5

ALLOCATION OF LOCAL CHOICE FUNCTIONS

Function	Decision making body	Delegation of functions
1. The determination of an appeal against any decision made by or on behalf of the authority.	Council	All as set out in Scheme of Delegation to Officers
2. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 of the Local Government Act 1999.	Cabinet	
3. Any function relating to contaminated land.	Cabinet	All as set out in Scheme of Delegation to Officers
4. The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	
5. The service of an abatement notice in respect of a statutory nuisance.	Cabinet	
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Cabinet	

<p>7. The inspection of the authority's area to detect any statutory nuisance.</p>	<p>Cabinet</p>	
<p>8. The investigation of any complaint as to the existence of a statutory nuisance.</p>	<p>Cabinet</p>	
<p>9. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.</p>	<p>Cabinet</p>	
<p>10. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Cabinet</p>	
<p>11. The appointment of any individual:-</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:-</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body,</p>	<p>Cabinet if the appointment relates to an executive function</p> <p>The relevant Community Partnership if it relates to a non-executive function (or if there is no relevant Community Partnership, the Council)</p>	

<p>and the revocation of any such appointment.</p> <p>12. Functions relating to Local Area Agreements under the Local Government and Public Involvement in Health Act 2007</p>	<p>Cabinet</p>	
---	----------------	--

SCHEDULE 6

CABINET SCHEME OF DELEGATION

1. All executive decisions which are Key Decisions shall be reserved to the Cabinet (unless they are urgent: see 3. below). Key decisions are those which are likely:-

- 1.1. ~~to~~To result in the Council incurring expenditure which is, or the makings of savings which are significant having regard to the Council's budget for the service or functions to which the decision relates.

- 1.2. ~~to~~To be significant in terms of their effect on communities living or working in an area comprising two or more wards in the Council's area.

In deciding whether expenditure or savings are significant under (a) above, it shall be taken into account whether the amount involved is likely to exceed 2% of the total sum budgeted to be raised by the Council in council tax for the current financial year.

2. Executive decisions which are not Key Decisions may be made by individual members of the Cabinet holding Portfolios as set out below:

- 2.1. ~~in~~In relation to matters falling within the areas of responsibility covered by the relevant Portfolio, or

- 2.2. ~~A~~As specifically delegated to them by the Council, the Cabinet or any Board or Committee of the Council from time to time acting through the relevant ~~Corporate Group~~Corporate Group Manager/s.

~~Title of Portfolio and Service Area~~

PORTFOLIO FOR FINANCE, GOVERNANCE AND CORPORATE SERVICES

~~HEALTH AND WELL BEING~~CORPORATE SUPPORT SERVICES

Areas of responsibility

Information Communication Technology

- ICT functions including network, desktop support, applications support, provision of IT hardware, GIS, Website and Telephony.
- Street Naming and Numbering.
- ICT projects.

Approved by Full Council 11 July 2016 ~~Section 58~~

~~Mendip District Council Constitution~~

~~This document is agreed at each annual meeting of~~ Agreed by full Council, and minor Minor amendments are made by the Monitoring Officer mid term.

Performance Management and Improvement

- Performance management and review.
- Complaints and Feedback System.
- Improvement Research and Projects.
- Corporate Policy Architecture.
- Development of the Corporate Plan.
- Parish and Voluntary Sector development.

Marketing and Communications

- Internal communications.
- Press, PR and Marketing Services.
- Consultation.

Human Resources

- Strategic Human Resource.
- Equalities and Diversity.

Procurement

- Strategic procurement.

Property and Assets

- The strategic management of the Council's land, property and other assets.
- Functions relating to Assets of Community Value.
- Major and minor asset programmes including acquisition and disposal of land and other property to include:
 - granting of leases and licences
 - renewal of leases and the granting or refusing of consent required under the terms of any lease
 - granting or acquiring any easement or wayleave
 - granting of permission for temporary or seasonal use of property
 - authorising any repairs or adaption's to any property owned by the Council
 - applying for deemed planning consent in relation to any property owned by the Council.
 - Development briefs affecting Council assets and other land under Town and Country Planning legislation.

Approved by Full Council 11 July 2016 ~~Section 60~~

~~Mendip District Council Constitution~~

~~This document is agreed at each annual meeting of~~ Agreed by full Council, and minor ~~Minor~~
amendments are made by the Monitoring Officer mid term.

- ~~— ICT - management of services, systems, and staff including network, desktop support, applications support, provision of IT hardware, GIS, Website and Telephony~~
- ~~— Street naming and Numbering~~
- ~~— Graphic, Print, Postal and Stationery Services~~
- ~~— ICT projects~~
- ~~Marketing and Communications Communication and Consultation~~
- ~~— Lead the strategic development and delivery of the Corporate Plan and other corporate policies~~
- ~~— Performance Management and Improvement~~
- ~~— Complaints~~
- ~~— Equality and Diversity~~
- ~~— Corporate Policy~~
- ~~— Parish and/Voluntary Sector Development~~
- ~~— Information Governance/Freedom of Information and Data Protection Act/FOI/DPA~~
- ~~— Telephony Services~~
- ~~— Website Management~~
- ~~— Street Naming and Numbering~~
- ~~— GIS~~
- ~~— Project Management~~
- ~~— Strategic Assets~~
- ~~— Strategic HR~~
- ~~— Procurement~~
- ~~— Human Resources~~
- ~~— Land Charges~~
- ~~Compliance~~
- ~~Enforcement~~
- ~~Conservation~~
- ~~Housing Options and Homelessness~~
- ~~Health and Safety~~

PORTFOLIO FOR FINANCE, GOVERNANCE AND CORPORATE SERVICES

ECONOMIC DEVELOPMENT LAW AND GOVERNANCE SERVICES SERVICES

Areas of Responsibility

Approved by Full Council 11 July 2016 ~~Section 61~~

Mendip District Council Constitution

~~This document is agreed at each annual meeting of~~ Agreed by full Council, and minor ~~Minor~~ amendments are made by the Monitoring Officer mid term.

Legal

- The provision of legal services to the Mendip District Council, Taunton Deane Borough Council and West Somerset District Council.

Governance

- Ethical Standards and Governance.
- Democratic services.
- Member support.
- Member development.
- Human Resources.
- Election Services.
- Information Governance, including Data Protection and Freedom of Information.

Support

- Local Land Charges.
- Procurement.
- Functions relating to Community Right to Challenge.

~~Areas of responsibility~~

~~— Assets Legal Shared Services Partnership~~

~~— Elections~~

~~— Committee Support~~

~~— Member Support and Development~~

~~— Monitoring Officer Role Freedom of Information and Data Protection~~

~~• —~~

~~• Housing Strategy~~

~~• Enablement~~

~~• Strategic Planning and Partnerships~~

~~• Development Management and Planning Policy~~

~~• Business Development~~

PORTFOLIO FOR NEIGHBOURHOOD AND COMMUNITY HEALTH SERVICES

TRANSFORMATION NEIGHBOURHOOD SERVICES

Areas of responsibility

~~Approved by Full Council 11 July 2016~~ ~~Section 62~~

~~Mendip District Council Constitution~~

~~This document is agreed at each annual meeting of Agreed by full Council, and minor Minor amendments are made by the Monitoring Officer mid term.~~

- Management, monitoring and improvement of Core Services; Somerset Waste Partnership; Fusion Lifestyle and NSL.
- Cemetery Management and Welfare Burials.
- Parks, Play and Open Spaces.
- Engineering and Flood Alleviation.
- CCTV.
- Facilities Management and Public Convenience.
- Markets and Events.
- Waste and Recycling.
- Car Parking and Road Closures.
- Street Cleaning and other cleaning services.
- Asset Maintenance.
- Corporate Health and Safety.
- Customer Services, Meet and Greet and Council Access Points.
- Community Protection.
- Cemetery Management and Bereavement
- Parks, Play and Open Spaces
- Engineering and Flood Alleviation
- CCTV
- Facilities Management and Public Convenience
- Markets and Events
- Leisure
- Waste and Recycling
- Car Parking and Road Closures
- Street Cleaning and Fly Tipping
- Asset Maintenance
- Corporate Health and Safety
- Customer Services, Meet and Greet and Council Access Points
- Asset and Core Contract Transformation
- HR and workforce issues
- Shared Legal Service and Ethical Standards
- Parish and Voluntary Sector
- Member Support
- —

PORTFOLIO FOR NEIGHBOURHOOD AND COMMUNITY HEALTH SERVICES

SERVICES AND CORPORATE FINANCE COMMUNITY HEALTH SERVICES

Approved by Full Council 11 July 2016 Section ~~63~~

Mendip District Council Constitution

This document is agreed at each annual meeting of Agreed by full Council, and minor Minor amendments are made by the Monitoring Officer mid term.

Areas of responsibility

- ~~— Public Health and Protection~~
- ~~— Housing Enforcement~~
- ~~— Community Safety and Safeguarding~~
- ~~— Civil Contingency Emergency Planning~~
- ~~— Environmental Crime~~
- ~~— Contaminated Land~~
- ~~— Environmental Protection~~
- ~~— Health and Wellbeing~~

Environmental Health

- Environmental health functions not delegated to another Group Manager.
- Community safety and safeguarding functions
- Public health functions

Community Health

- Public Health and Wellbeing (including being Proper Officer within the meaning of Section 75 of the Public Health (Control of Disease) Act 1984, as amended by the Health and Social Care Act 2008 and other supporting regulations).
- Community safety (including functions under the Crime and Disorder Act 2000 (as amended), the Council's Crime and Disorder Reduction Strategy and the Anti Social Behaviour, Crime and Policing Act 2014 (New Tools and Powers)).
- Environmental Protection.
- Air Quality and Control of Pollution.
- Contaminated Land.
- Private Water Supply Safety.
- Food Safety and Nutrition.
- Health and Safety (other than in relation to the Council's duties as an employer).
- Public Safety.
- Functions under the Licensing Act 2003, Gambling Act 2005 and all functions of the Council in relation to Licensing.
- Civil Contingencies and Emergency Planning.
- Corporate Health and Wellbeing.
- Licensing

PORTFOLIO FOR PLANNING, GROWTH AND HOUSING SERVICES

PLANNING AND GROWTH SERVICES SERVICES

Areas of responsibility

Economic Development and Growth

- Inward Investment.
- Business support and promotion.

Town and Country Planning and Development Control

- Planning applications.
- Listed buildings, conservation areas and historic environment.
- Trees and hedgerows.
- Hazardous substances.
- Environmental impact assessment.
- S.106 agreements and Community Infrastructure Levy.
- Community and neighbourhood planning, including as provided for under the Localism Act 2011 .
- Local Plan.
- Other planning policy matters.
- Other functions under Town and Country Planning and Localism .legislation and policy guidance except as delegated to any other Group Managers.
- Planning Enforcement.
- Affordable Housing Enabling.

Heritage and Conservation

- Identification and modification of conservation areas.
- Protection and enhancement of listed buildings.
- Administration of grant schemes to enhance/improve listed buildings.

- ~~— Planning and Tree Preservation Orders~~
- ~~— Planning Policy~~
- ~~— Planning Enforcement~~
- ~~— Economic Development/Growth~~
- ~~— Heritage and Conservation~~
- ~~— Building Control Partnership~~
- ~~— Section 106 and CIL Delivery~~

PORTFOLIO FOR PLANNING, GROWTH AND HOUSING SERVICES

HOUSING SERVICES SERVICES

Areas of responsibility

Areas of Responsibility

- Housing and homelessness strategy.
- Functions in relation to temporary accommodation, homelessness, housing options, and homelessness prevention.
- All other functions of the Council in relation to housing.
- Empty homes functions.
- Housing Standards functions and Environmental Health functions relating to dwellings (including enforcement)
- Functions relating to Disabled facilities.
- Functions relating to housing improvement.
- Functions relating to Choice Based Lettings and Housing Register

- ~~— Strategic Housing~~
- ~~— Private Sector Housing Strategy~~
- ~~— Homelessness Prevention~~
- ~~— Housing Company~~
- ~~— Disabled Facilities Grants~~
- ~~— Choice Based Lettings and Housing Register~~
- ~~— Empty Homes~~

- ~~• Customer Contact/Customer Insight~~
- ~~• Client Management~~
- ~~• Performance Management and Improvement~~
- ~~• ICT~~
- ~~• Corporate finance~~
- ~~• Revenues and Benefits~~

Approved by Full Council 11 July 2016 ~~Section 66~~

~~Mendip District Council Constitution~~

~~This document is agreed at each annual meeting of Agreed by full Council, and minor Minor amendments are made by the Monitoring Officer mid term.~~

3. Portfolio-holders may take Key Decisions falling within their areas of responsibility if those decisions are urgent and fall within the criteria set out in Section 17. So far as practical, any such decisions will be taken in accordance with the rules set out in this Scheme of Delegation.
4. The powers delegated to Portfolio-holders shall be exercised in accordance with and subject to any limitations or exclusions contained in:
 - 4.1. Any statutory restrictions
 - 4.2. The Council's Constitution
 - 4.3. The Council's Budget and Policy Framework
 - 4.4. All other policies or schemes approved or adopted by the Council
 - 4.5. All procedural rules of the Council, including its Financial and Contract Procedure Rules and Officer Employment Rules and HR procedures
 - 4.6. The Council's approved Business and Service Plans
 - 4.7. Any resolution delegating the relevant powers made by the Council, Cabinet or any Board or Committee of the Council from time to time
5. In exercising delegated powers Portfolio-holders shall:-
 - 5.1 not go beyond the provision in the revenue or capital budgets for their service or agree individual items of expenditure or virement beyond that permitted by the Council's Financial Procedure Rules or Contracts Procedure Rules
 - 5.2 have regard to any relevant report by the Chief Executive, [a Deputy Chief Executive](#), the Monitoring Officer, the Corporate Finance Advisor, or the Council's internal or external auditors
6. In making any delegated decision, Portfolio-holders shall consult and have regard to any advice or representations made by:
 - 6.1. any other Portfolio-holder whose area of responsibility is affected by the decision
 - 6.2. the Leader
 - 6.3. the relevant [Group/Corporate](#) Manager
7. The areas of responsibility of individual Portfolio-holders may be varied by the Leader from time to time.

8. Decisions made by Portfolio-holders shall be recorded and published in accordance with the provisions relating to Scrutiny Board in Section 7 and the Access to Information Rules in Section 16.

Approved by Full Council 11 July 2016~~Section 68~~

Mendip District Council Constitution

This document is agreed at each annual meeting of ~~Agreed by full Council, and minor~~ Minor
amendments are made by the Monitoring Officer mid term.

SCHEDULE 7

~~Community Partnerships may be suspended for certain periods of time, usually 6 months, and during those periods the delegated functions detailed shall be exercisable by the Cabinet~~

EXECUTIVE FUNCTIONS DELEGATED TO COMMUNITY PARTNERSHIPS

- ~~1. Each Community Partnership has power to take decisions relating to the following matters in respect of the area for which it is responsible, provided that the decision is not of a strategic nature, nor departs materially from any Council policy:~~
 - ~~a) The management of parks, gardens, recreation grounds, open spaces, museums, swimming pools, sports and leisure centres and leisure and recreation activities and facilities in general.~~
 - ~~b) The management of public toilets refuse collection and street cleansing, waste management, cemeteries, closed churchyards, markets, pest control, dogs and abandoned vehicles.~~
 - ~~c) Local area highways management and rights of way.~~
 - ~~d) Operational environmental health matters.~~
 - ~~e) Building control, the provision of sewerage and land drainage.~~
 - ~~f) Conservation of the historic and natural environment.~~

- ~~2. Each Community Partnership shall administer and account for any budget delegated by the Council or the Cabinet from time to time.~~

SCHEDULE 87

EXECUTIVE FUNCTIONS AND OTHER MATTERS DELEGATED TO THE CORPORATE ASSET MANAGEMENT GROUP

The Corporate Asset Management Group (CAMG) is responsible for the strategic management of the Council's assets and the implementation of the Strategic Asset Management Plan (SAMP).

CAMG comprises:

- The Portfolio and Shadow Portfolio Holders, Services and Corporate Finance
- The Portfolio Holder, Transformation
- The Portfolio Holder, Economic Development
- The Deputy Leader

These Members are supported by the [Corporate Group](#) Manager Governance, Assets and Public Spaces, and the Managers for Strategic Assets, and Operational Assets and Contracts. Other Members and Officers are invited to attend meetings as and when appropriate to deal with specific issues.

CAMG is authorised to take decisions relating to the following matters provided that the decision does not depart from the Council's Constitution or materially from any Council Policy. CAMG's remit is principally to deliver maximum commercial returns from all the Council's property assets, though it should also promote efficient use of assets and the community benefits that are deliverable from them.

1. Whether to enter into negotiations for the disposal or acquisition of property (freehold, leasehold (including lease renewals and re-gearings), and licences), including Asset Transfers to community, partner, or stakeholder groups, and adoptions under S.106 agreements.
- ~~2. Authorising the terms upon which property transactions may be completed, including price / rent, and use, ensuring compliance with [SAMP policies and priorities](#).~~
2. Authorising the acquisition or disposal of third party rights over property, e.g. rights of way, or rights to lay services.
4. Setting and updating strategies for the enhancement and protection of property values, whether for individual properties or portfolios.

5. Ratifying the outcome of rent reviews, which will be negotiated according to lease conditions.
6. Specifying acceptable uses for property assets which deliver and enhance efficiencies and community benefit.
7. Setting and updating Policies and Processes appropriate to the Council's property interests.
8. Determining Nominations for assets to be included in the List of Assets of Community Value, subject to a hearing procedure to be agreed by CAMG in consultation with the Leader and Shadow Leader.
9. Deciding on the continuing liabilities that should be accepted on property holdings, e.g. grounds maintenance.
10. Resolving disputes arising from property ownership, including ongoing lease obligations (as landlord or tenant), and authorising enforcement action where appropriate.
11. Considering tenants' applications to change use, make alterations, or assign/ sublet etc.

CAMG will have authority to agree rents up to a value of £25,000 pa, or sale/purchase prices up to a value of £100,000. Any potentially contentious matters below those limits may be referred to Cabinet for approval at CAMG's request. All matters above those limits will be referred to Cabinet for approval, though CAMG may provide prior recommendations if appropriate.

SCHEDULE 98

FUNCTIONS DELEGATED TO JOINT COMMITTEES

(1) South West Audit Partnership

By an agreement dated 22 August 2005 between South Somerset District Council, Taunton Deane Borough Council, Mendip District Council and West Somerset District Council, the Council agreed to participate in a joint committee of those councils to be known as the South West Audit Partnership (the Audit Partnership”)

The Audit Partnership has been empowered by the participating councils to discharge certain functions relating to internal audit as set out in Schedule 3 of an agreement dated 3rd June 2005 between South Somerset District Council and Taunton Deane Borough Council (to which the agreement of 22nd August 2005 referred to above is supplemental).

Each of the participating councils annually appoints two of their elected members as members of the Audit Partnership. Full details of the arrangements applying to the Audit Partnership are set out in the agreements referred to above: further information can be obtained from the Council’s Monitoring Officer or Corporate Financial Manager.

(2) Somerset Waste Partnership

By an agreement dated 31st August 2007 between Somerset County Council, Sedgemoor District Council, South Somerset District Council, Mendip Council, Taunton Deane Borough Council and West Somerset District Council, the Council agreed to participate in a joint committee of these councils to be known as the Somerset Waste Board. (“SWB”).

SWB has been empowered by the participating councils to discharge their various functions relating to the collection, disposal and management of waste, as set out in that agreement. The governance and administrative arrangements applying to SWB are set out in its Constitution as adopted by the participating councils on 31st August 2007 (see Appendix N). In the event of any conflict between these arrangements and those set out in this Constitution, those referred to in the SWB Constitution will prevail in relation to proceedings of SWB.

Each of the participating councils annually appoints two members of its executive as members of SWB. Full details of the arrangements applying to SWB are set out in the agreement and Constitution dated 31st August 2007 referred to above: further information can be obtained from the Council’s Monitoring Officer.

(3) Somerset Building Control Partnership

By an Agreement dated 11 March 2016 between Sedgemoor District Council, Mendip District Council, Taunton Deane Borough Council and West Somerset Council, the Council agreed to participate in a joint committee of these Councils to be known as the Somerset Building Control Partnership("SBCP").

SBCP has been empowered by the participating Councils to discharge their various building control functions as set out in the agreement. The governance and administrative arrangements applying to SBCP are as set out in its Constitution as adopted by the participating Councils (see Appendix U). In the event of any conflict between these arrangements and those set out in this Constitution, those referred to in the SBCP Constitution will prevail but only in relation to proceedings of SBCP.

In addition, the meetings of the SBCP joint committee will be administered by the Council, and will be conducted in accordance with the provisions as set out in this Constitution with regard to the conduct of meetings.

Each of the participating Councils annually appoints two members of its executive or cabinet as members of the SBCP joint committee.

SCHEDULE 10

FUNCTIONS RELATED TO NEIGHBOURHOOD PLANS, NEIGHBOURHOOD DEVELOPMENT ORDERS AND COMMUNITY RIGHT TO BUILD ORDERS

Neighbourhood plans	
Decision to make a neighbourhood plan	Council
Determination of whether a neighbourhood plan – following examination – should go to public referendum	Cabinet ^[s3]
Establishment of area/s within which the referendum shall be held, taking into account the views of the independent examiner	Cabinet
Determination of applications for designation of neighbourhood plan areas relating to the area to be covered by a proposed neighbourhood plan <u>where the plan is not likely to impact on a significant number of people in two or more</u>	Corporate Manager Built Environment Group Manager Planning and Growth

[Approved by Full Council 11 July 2016](#)~~Section 74~~
~~Mendip District Council Constitution~~

~~This document is agreed at each annual meeting of~~ [Agreed by full Council](#), ~~and minor~~ [Minor amendments are made by the Monitoring Officer mid term.](#)

<u>wards</u>	
Determination of applications for designation of neighbourhood plan areas relating to the area to be covered by a proposed neighbourhood plan <u>where the plan is likely to impact on a significant number of people in two or more wards</u>	Corporate Manager Built Environment Group Manager Planning and Growth in consultation with Portfolio Holder for Health & Well Being and Services for Planning and Growth
Decisions in relation to provision of technical support and advice on emerging neighbourhood plans	Group Manager Planning and Growth Corporate Manager Built Environment
Submission of representations at Regulation 14 consultation and examination	Group Manager Planning and Growth Corporate Manager Built Environment
Determination of whether the Regulation 15 requirements have been met in relation to submission of a neighbourhood plan and specifically whether the requirements of the Habitats Regulations and the Environmental Impact Regulations have been met	Group Manager Planning and Growth Corporate Manager Built Environment
Identification and appointment of an appropriate person to examine the neighbourhood plan via the Neighbourhood Plan Independent Examiner Referral Service or other appropriate method, in conjunction with the qualifying body which submitted the plan pursuant to para 7 of Sch 4B Town and Country Planning Act 1990 as applied by S38A Planning and Compulsory Purchase Act 2004	Group Manager Planning and Growth Corporate Manager Built Environment
Decision to modify neighbourhood plan <u>except where the modification is required due to an error</u>	Group Manager Planning and Growth Corporate Manager Built Environment
Decision to modify neighbourhood plan <u>where the modification is required due to an error</u>	Group Manager Planning and Growth Corporate Manager Built Environment in consultation with Portfolio Holder for for Health & Well Being and Services Planning and Growth

Approved by Full Council 11 July 2016 ~~Section 75~~

~~Mendip District Council Constitution~~

~~This document is agreed at each annual meeting of~~ Agreed by full Council, ~~and minor~~ Minor amendments are made by the Monitoring Officer mid term.

Neighbourhood Development Orders	
Decision to bring a neighbourhood development order into force	Council
Determination of whether a neighbourhood development order – following examination – should go to public referendum	Cabinet
Decision to designate neighbourhood development order area as business area	Group Manager Planning and Growth Corporate Manager Built Environment
Determination of whether pre submission requirements have been met in relation to a submitted neighbourhood development order	Group Manager Planning and Growth Corporate Manager Built Environment
Decision to amend boundary of area identified in submitted neighbourhood development order	Group Manager Planning and Growth Corporate Manager Built Environment
Identification and appointment of independent examiner	Group Manager Planning and Growth Corporate Manager Built Environment

Community Right To Build Orders	
Determination of an application for a Community Right To Build Order	Council
Determination of whether a community right to build order – following examination – should go to public referendum	Cabinet
Determination of whether pre application requirements have been met (and whether submitted order can be accepted) in relation to a submitted community right to build order	Group Manager Planning and Growth Corporate Manager Built Environment
Identification and appointment of independent examiner	Group Manager Planning and Growth Corporate Manager Built Environment

Approved by Full Council 11 July 2016 ~~Section 78~~

~~Mendip District Council Constitution~~

~~This document is agreed at each annual meeting of~~ Agreed by full Council, ~~and minor~~ Minor
~~amendments are made by the Monitoring Officer mid term.~~