



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>COUNCIL – 20 JULY 2022</b>
Report Number	<b>AGENDA ITEM No 8</b>
Subject	<b>REPORT OF THE LEADER</b>
Wards affected	All
Accountable member	CLlr Andy Graham, Leader of the Council Email: andy.graham@westoxon.gov.uk
Accountable officer	Susan Sale, Interim Monitoring Officer Email: susan.sale@westoxon.gov.uk
Summary/Purpose	The Constitution provides that the Leader of the Council will advise Council in writing of his Cabinet Members, his executive delegations, and the exercise of any executive functions by way of joint arrangements.
Annexes	Annex A: Officer Scheme of Delegation
Recommendation/s	West Oxfordshire District Council is recommended to note the contents of this report, and to delegate authority to the Interim Monitoring Officer to update the Council's Constitution to reflect the content of this report.
Corporate priorities	All
Key Decision	NO
Exempt	NO
Consultees/ Consultation	

## I. BACKGROUND

- 1.1. Paragraph 5B.1.2 of the Constitution, in the Cabinet Procedure Rules, there is provision for the Leader of the Council to present to Council a written record of delegations made by them for inclusion in Part 3 of the Council's Constitution.
- 1.2. The Constitution provides that the document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:
- The names, addresses and wards of the people appointed to the Cabinet by the leader;
  - The extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
  - The terms of reference and constitution of such Cabinet Committees as the leader appoints and the names of Cabinet Members appointed to them;
  - The nature and extent of any delegation of Cabinet functions to area Committees, and any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint Committee for the coming year; and
  - The nature and extent of any delegations to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

## 2. MAIN POINTS

- 2.1. Deputy Leader, Cabinet appointments and responsibilities, made by the Leader for the year 22/23 are as follows:

Role	Member	Portfolio	Address	Ward
Leader	Cllr Andy Graham		c/o Woodgreen	Charlbury and Finstock
Deputy Leader	Cllr Duncan Enright	Economic Development	c/o Woodgreen	Witney East
Cabinet Member	Cllr Dan Levy	Finance	c/o Woodgreen	Eynsham and Cassington
Cabinet Member	Cllr Carl Rylett	Planning & Sustainable Development	c/o Woodgreen	Eynsham and Cassington
Cabinet Member	Cllr Mathew Parkinson	Customer Delivery	c/o Woodgreen	Stonesfield and Tackley
Cabinet Member	Cllr Joy Aitman	Stronger Healthier Communities	c/o Woodgreen	Witney East

Cabinet Member	Cllr Geoff Saul	Housing & Social Welfare	c/o Woodgreen	Chipping Norton
Cabinet Member	Cllr Lidia Arciszewska	Environment	c/o Woodgreen	Freeland and Hanborough
Cabinet Member	Cllr Andrew Prosser	Climate Change	c/o Woodgreen	Witney North

2.2 The Leader has delegated the following authority to Executive Members individually, as below. All delegations may only be exercised within approved budget limitations and in compliance with contract procedure rules and financial procedure rules. The limitations on delegations are set out below:

1	Subscriptions and Donations to Voluntary Bodies – to approve the award of grants subject to any grant award not exceeding £1000.	Cabinet Member for Customer Delivery (in consultation with s151 officer)
2	Discretionary Rate Relief – to grant discretionary rate relief in accordance with the Council’s Discretionary Rate Relief policy, except for those decisions already delegated to officers under the Officer Scheme of Delegations (Part 4)	Cabinet Member for Finance (in consultation with s151 officer)
3	Debt Write-Offs – to approve the writing off of debts, except for those already delegated to officers under the Officer Scheme of Delegations (Part 4)	Cabinet Member for Finance (in consultation with s151 officer)
4	Sport and Recreational Grants – to determine applications for Sport and Recreation grants which accord with the Council’s approved criteria up to a maximum of £3,000 per grant	Cabinet Member for Stronger Healthier Communities (in consultation with s151 officer)
5	Village Hall Grants – to determine applications for Village Halls (Minor Scheme) grants which accord with the Council’s approved criteria up to a maximum of £5,000 per grant	Cabinet Member for Stronger Healthier Communities (in consultation with s151 officer)
6	Arts and Sports Achievement / High Achievers Awards – to determine applications for Arts and Sports Achievement Awards and High Achiever Awards which accord with the Council’s approved criteria up to a maximum of £300 per grant for the Arts and Sports Achievement Awards and £1,000 per grant for the High Achievers Award.	Leader of the Council (in consultation with s151 officer)

7	Playground Grants – To determine applications for Playground (Revenue) grants which accord with the Council’s approved criteria up to a maximum of £2,000 per grant and Playground (Capital) grants up to a maximum of £5,000 per grant	Cabinet Member for Stronger Healthier Communities (in consultation with s151 officer)
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These delegations will shortly be updated in part 3 of the Council’s constitution.

- 2.3 The Leader of the Council confirms that no Cabinet Committees have been established for the year 22/23 other than the Cabinet which is in itself an Executive Committee. Appointments to the Cabinet are set out at paragraph 2.1 above.

### Joint Arrangements

- 2.4 The Leader of the Council can advise on the below joint arrangements in place and associated appointments:

Body	Member	Named substitute
Future Partnership Oxfordshire	Cllr Andy Graham	Cllr Duncan Enright
Environment Advisory Group	Cllr Andrew Prosser	any Cabinet Member
Housing Advisory Group	Cllr Geoff Saul	any Cabinet Member
Infrastructure Advisory Group	Cllr Carl Rylett	any Cabinet Member
Oxfordshire Plan 2050 Advisory Group	Cllr Carl Rylett	any Cabinet Member

- 2.5 The Leader of the Council notifies Council that none of the existing shared service arrangements are anticipated to change during 22/23, with the possible exception of the Council’s Monitoring Officer arrangement with Oxford City Council which will be reviewed during the course of the year in line with that agreement.
- 2.6 The Leader of the Council notifies Council that the Executive functions included in Part 4 of the Council’s Constitution, and set out at appendix A, are delegated to Officers in accordance with the Council’s Scheme of Officer Delegations.

### **3. FINANCIAL IMPLICATIONS**

3.1. There are no financial implications arising from this report.

### **4. LEGAL IMPLICATIONS**

4.1. The 1972 Local Government Act provides that the Leader of the Council may appoint up to 10 Cabinet Members.

4.2. The Council's Constitution provides that all local choice functions under s13(3) Local Government Act 2000 are Executive Functions.

4.3. Executive arrangements are governed by the Local Authorities (Executive Arrangements)(Access to Meetings) Regulations 2012.

### **5. RISK ASSESSMENT**

5.1. The decisions in this report do not pose risk to the Council.

### **6. EQUALITIES IMPACT (IF REQUIRED)**

6.1. An equalities impact assessment is not recommended for this matter.

### **7. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)**

7.1. There are no climate change implications arising from this report

### **8. ALTERNATIVE OPTIONS**

8.1. There are no alternative options

### **9. BACKGROUND PAPERS**

9.1. The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- West Oxfordshire District Council Constitution

9.2. These documents will be available for inspection at the Council Offices at Woodgreen during normal office hours for a period of up to 4 years from the date of the meeting. Please contact the author of the report.

## ANNEX A:

### Part 4: Officer Scheme of Delegation

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#### 4A Introduction

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Council has delegated to committees and officers the exercise of a range of functions set out in the table below (as referred to in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended), which are not the responsibility of the Executive.

When exercising these delegated powers, officers should maintain a close liaison with the relevant committee chair and refer any proposed action to the relevant committee if required by the chair.

Officers may, in turn, authorise other officers to exercise their functions, or escalate the making of those decisions to Chief Executive or Deputy Chief Executive but must ensure that such delegations are documented and are regularly reviewed.

Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility, except those reserved by law to others.  
Any Non-Executive function may be exercised by the Chief Executive or the Deputy Chief Executive notwithstanding its delegation to another officer (except those reserved by law to others).

In the absence of the Chief Executive The Deputy Chief Executive is authorised to exercise any functions which are delegated to the Chief Executive Officers (or an officer authorised by them) may act on urgent matters, which would otherwise require reference to, or consultation with Council or a committee, if there is no time for such reference or consultation to be made; relevant committee chairmen should be consulted if time permits. All such decisions should be reported to the next meeting of Council or committee.

Certain Non-Executive decisions taken by officers must be recorded and published, in accordance with The Openness of Local Government Bodies Regulations 2014.

In addition to the specific powers detailed in the tables below all powers necessary and appropriate for the operational discharge of functions, whether mandatory or discretionary are deemed delegated to the Senior Officer(s) with responsibility for discharging that function, or exercising that power, without a specific resolution of Council or Cabinet, unless the legislation requires a positive resolution or a specific procedure to be adopted before the function can be undertaken. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the relevant committee and budgetary resources. Further, such delegated powers will be exercised in compliance with and consistent with the policy framework adopted by Council and in accordance with law and the principles of this constitution. The Senior Officers will be able to appoint such officers as they consider necessary to assist in the discharge of the functions.

For the avoidance of doubt the role of Head of Paid Service is held by the Chief Executive and the Section 151 Officer is the Chief Finance Officer, who also holds the position of Deputy Chief Executive.

## 4B Statutory and Proper Officers

The council has appointed Proper Officers for the purposes of the statutory provisions set out below. Power to appoint Proper Officers is delegated to the Head of Paid Service (Chief Executive), following consultation with the Monitoring Officer, unless legislation requires the appointment to be made by Council.

The Chief Executive and other senior officers shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their areas of responsibility set out below:

LOCAL GOVERNMENT ACT 1972		
Section	Purpose	Proper Officer
	Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the council	Monitoring Officer
	Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the council	Chief Finance Officer
83	Witness and receive declarations of Members' acceptance of office	Monitoring Officer
84	Receive written notice of Members' resignation from office	Chief Executive
88(2)	Convene Council meeting for election to vacant office of Chair	Chief Executive
89(1)(B)	Receive notice of casual vacancy from two local government electors	Chief Executive
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Monitoring Officer
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press	Monitoring Officer
100C(2)	Produce a written summary of proceedings taken by a committee in private	Monitoring Officer
100D(1)(a)	Compile a list of background papers to a committee report.	Officer in whose name the report is written
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Officer in whose name the report is written
100F(2)	Identify which documents contain exempt information not open to inspection by all Members	Monitoring Officer



115(2)	Receive from Officers any money and property committed to their charge in connection with their office	Chief Finance Officer
151	Responsibility for the administration of the Council's financial affairs.	Chief Finance Officer
191(2)77	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries.	Chief Executive
210(6)-(7)	Exercise residual functions relating to charities.	Chief Finance Officer
225(1)	Receive and retain documents deposited with the Council	Head of Legal Services
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original	Head of Legal Services
234(1)	Sign public notices, orders and other documents on behalf of the council	Head of Legal Services (generally) and the officers listed in the Scheme of Delegation within their area of responsibility
238	Certification of copy bylaws	Head of Legal Services
Sch.12 Pt I Para.4(2)(b)	Sign and send to all Members of the council the summons to attend meetings of the council	Chief Executive
Sch.12 Pt I Para 4(3)	Receive written notice from a Member of the address to which a summons to the meeting is to be sent	Monitoring Officer
Sch.16 Para 38	Receipt of deposit of lists of protected buildings (Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990	Senior Officer for Planning
Schedule 29, Para.4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Deputy Chief Executive
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Head of Legal Services
<b>LOCAL GOVERNMENT ACT 1974</b>		
30(5)	Give public notice of receipt of a Local Government Ombudsman's report	Monitoring Officer
<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>		
41	Certifying copy resolutions and minutes of proceedings	Senior Officer with responsibility for Democratic Services
<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>		

8	Appointment as Electoral Registration Officer	Chief Executive
35	Appointment as Returning Officer	Chief Executive
67(7)(b)	Receive declarations and give public notice of election agents' appointments	Chief Executive
81 and 89	Appropriate officer for the election of councillors	Chief Executive
82(4)	Receive declarations and give public notice of election agents' or candidates' election expenses	Chief Executive
131	Providing accommodation for holding election count	Chief Executive
<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>		
114, 115 and 115B	Responsibility for Chief Financial Officer reports	Chief Finance Officer
116(1)	Notify the external auditor of a meeting (and decisions made at such a meeting) to consider a report from the Chief Financial Officer (under section 114 and 115 above)	Chief Finance Officer
<b>LOCAL GOVERNMENT AND HOUSING ACT 1989</b>		
2(4)	Hold the council's list of politically restricted posts	Monitoring Officer
3A	In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Monitoring Officer
5(7)	Nominated as Deputy Monitoring Officer	Head of Legal Services and Democratic Services Manager
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the council	Monitoring Officer
<b>THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990</b>		
8(1), 8(5), 9(b), 10, 13(1), 14 and 17	Notifications to and by the Proper Officer	Monitoring Officer
<b>LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22 LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012</b>		
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member which contain exempt information	Senior Officer with responsibility for Democratic Services

10	Inform the relevant Overview and Scrutiny Committee Chair or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the “Forward Plan”) and make available or public inspection notices relating to this	Monitoring Officer
12	Produce a written statement of Cabinet decisions made at meetings	Senior Officer with responsibility for Democratic Services
13	Produce a written statement of decisions made by individual Cabinet Members	Senior Officer with responsibility for Democratic Services
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public	Senior Officer with responsibility for Democratic Services
15 and 2	Make available for inspection a list of background papers	Senior Officer with responsibility for Democratic Services
16(5)	Determine whether certain documents contain exempt information	Head of Legal Services /Monitoring Officer
20	Determine whether documents contain confidential information or exempt information	Head of Legal Services or Monitoring Officer
<b>LOCAL GOVERNMENT ACT 2000, SECTION 34 LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000</b>		
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Chief Executive
<b>REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES, RANKS AND POSITIONS) ORDER 2000</b>		
21, 22, 27, 28 and 29	Functions relations to the Regulation of Investigatory Powers Act 2000 (RIPA)	Chief Executive
<b>REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2); THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010; THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010; THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010</b>		
	Designated Senior Responsible Officer	Head of Counter Fraud Team
<b>FREEDOM OF INFORMATION ACT 2000</b>		

36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Senior Officer with responsibility for Access to Information
<b>LOCAL GOVERNMENT ACT 2003</b>		
25	When the annual budget report is considered by Cabinet or by the Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Chief Finance Officer
<b>LOCALISM ACT 2011</b>		
29	Establish, maintain and publish a Register of Interests	Monitoring Officer
33(1)	Receiving applications for dispensations	Monitoring Officer
33(2)	Grant dispensations to Members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Monitoring Officer
Sch.2, Pt I, Para.9FB	Designation as Scrutiny Officer	Senior Officer with responsibility for Democratic Services
<b>THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012</b>		
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Cabinet decisions	Monitoring Officer
12-13	Grant dispensations in respect of conflicts of interest declared by a Cabinet member making a decision, or declared by a Cabinet member consulted by a member or officer taking such a decision	Monitoring Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Data Protection Officer

In the event of the Chief Executive being unavailable to deal with matters for which they have been designated the Proper Officer, the Deputy Chief Executive or Monitoring Officer may be authorised by them to act as Proper Officer in their absence.

In the event of any other designated officer being unable to fulfil their duties as Proper Officer, their deputy shall be authorised to undertake such duties instead.

Notwithstanding the above, a Proper Officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

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## 4C Functions in relation to Legal Services

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No.	Function	Act or Statutory Instrument (where applicable)	Responsibility/Decision Maker
1.	To institute and defend in their own name all appropriate legal proceedings in any court, for and on behalf of the Council, where a decision has been made, whether under delegated authority of an officer or by Cabinet, Council or committee, and which relates to a regulatory or enforcement power.	n/a	Head of Legal Services
2.	Where the Council is engaged in any litigation, to have the conduct of the matter and full authority to receive any information in connection therewith and to settle or compromise any proceedings as they deem appropriate and expedient for the Council's interests.	n/a	Head of Legal Services
3.	Authority to instruct private practice solicitors or junior barristers to undertake legal work when considered necessary or appropriate	n/a	Head of Legal Services
4.	To prosecute any offence of obstructing staff in the course of their official duties.	n/a	Head of Legal Services
5.	Authority to obtain counsel's opinion provided that regular reports are made to Council on the costs of litigation.	n/a	Head of Legal Services
6.	In consultation with the Chief Executive to set charges for legal work rechargeable to external persons or organisations.	n/a	Head of Legal Services
7.	Recovery matters - Authority to act on the Council's behalf in respect of attendance at the Magistrates Court and the County	n/a	Head of Legal Services

	Court on all recovery matters, including applications for a committal warrant and attendance at valuation tribunals as appropriate.		
8.	Issue notices under the provisions of the Drainage Acts	n/a	Head of Legal Services
9.	Court Attendance	Section 223 of the Local Government Act 1972	Members of the Legal Services team may be authorised to prosecute or defend actions and/or cases, and to represent the Council, in any Magistrates' Court proceedings or County Court proceedings, valuation tribunals and planning inquires as appropriate, subject to the Head of Legal Services being satisfied with their legal competence
10.	Authority to complete Planning Agreements	Section 106 of the Town and Country Planning Act 1990 and Section 38 and 278 of the Highways Act 1980	Head of Legal Services
11.	Power to apply the common seal of the Council and sign documents		Chief Executive, Deputy Chief Executive, Monitoring Officer and Head of Legal Services

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## 4D Functions in relation to Licensing

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No.	Function	Act or Statutory Instrument (where applicable)	Responsibility/Decision Maker
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	Senior Officer Responsible for Operational Services
2.	Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	Senior Officer Responsible for Operational Services
3.	Power to licence hackney carriages and private hire vehicles.	As to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976  As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Miscellaneous Licensing Sub Committee if previous convictions or required by Policy Guidelines
4.	Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Miscellaneous Licensing Sub Committee if previous convictions
5.	Power to licence operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Miscellaneous Licensing Sub Committee



			if required by Policy Guidelines
6.	Any function of a licensing authority (including personal licences and premises licences)	Licensing Act 2003 and any regulations or orders made under that Act	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Panel if representations are received
7.	To exercise power of entry	Section 179 of the Licensing Act 2003	Senior Officer Responsible for Licensing and Business Support
8.	Temporary event notice	Licensing Act 2003, Part 5 The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Panel if police or environmental health objection received
9.	Any functions of a licensing authority in relation to gambling	Section 163, 164 & 165 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
10.	Temporary use notice (temporary gaming activities)	Section 215 of the Gambling Act 2005 Gambling Act 2005 (Temporary Use Notices) Regulations 2007	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
11.	Any functions related to gaming permits	Sections 247, 271, 282, 283, and 289 and Schedules 10, 11, 13 and 14 of the Gambling Act 2005 Gambling Act (Club Gaming Permits) (Authorised Gaming) Regulations 2007 Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007	Senior Officer Responsible for Licensing and Business Support
12.	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support

13.	Functions relating to exchange of information.	Section 30 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
14.	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
15.	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005	Head of Legal Services
16.	Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
17.	Power to licence persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939	Senior Officer Responsible for Licensing and Business Support
18.	Street collection licence	Sections 66 and 68 of the Charities Act 1992	Senior Officer Responsible for Licensing and Business Support
19.	Power to licence performances of hypnotism	The Hypnotism Act 1952	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
20.	Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13-17 of the Local Government (Miscellaneous Provisions) Act 1982	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
21.	Power to licence markets and street trading	Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982	Senior Officer Responsible for Licensing and Business Support
22.	Power to issue scrap metal dealers licences	Scrap Metal Dealers Act 2013	Senior Officer Responsible for Licensing and Business Support or refer to Cabinet if previous convictions
23.	Power to licence premises for animal activities	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale	Senior Officer Responsible for Licensing and Business Support or refer to Licensing

		of Dogs (Welfare) Act 1999. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	Committee if representations are received
24.	Power to licence zoos	Section 1 of the Zoo Licensing Act 1981	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
25.	Power to licence dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
26.	Power to issue pavement licences	Business and Planning Act 2000	Senior Officer Responsible for Licensing and Business Support or refer to Chair of Licensing Committee if representations are received

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**4E Functions in relation to Public Health, Environmental Health and  
Health and Safety**

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No.	Function	Act or Statutory Instrument (where applicable)	Responsibility/Decision Maker
1.	Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974	Senior Officer Responsible for Operational Services
2.	Inspection of premises the subject of an application for registration as keeper of a Common Lodging House	Section 283 of the Public Health Act 1936	Senior Officer Responsible for Operational Services
3.	Notices to be signed on behalf of the District Council	Section 284 of the Public Health Act 1984 Section 29 of the Public Health (Control of Disease) Act 1984	Senior Officer Responsible for Operational Services
4.	Disinfection or destruction of verminous article	Section 37 of the Public Health Act 1936	Senior Officer Responsible for Operational Services
5.	Public Health Protection Activities	Section 129 of the Health and Social Care Act 2008	Senior Officer Responsible for Operational Services

6.	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006	Senior Officer Responsible for Operational Services
7.	Power to authorise officers	Section 10(5) and paragraph 1 of Schedule 2 of the Health Act 2006	Senior Officer Responsible for Operational Services
8.	Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007	Senior Officer Responsible for Operational Services
9.	Power to transfer enforcement functions to another enforcement agency	Smoke free (Premises and Enforcement) Regulations 2006	Senior Officer Responsible for Operational Services

## 4F Functions in relation to Planning

Enforcement Functions			
Ref.	Function	Delegated by:	Delegated to:
PE1.	To authorise named officers to enter land under the following provisions:- (a) Section 324 of the Town and Country Planning Act 1990. (b) Sections 196a and 196b of the Town and Country Planning Act 1990. (c) Sections 214b and 214c of the Town and Country Planning Act 1990. (d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Control Committee	Head of Legal Services/ Senior Officer for Planning
PE2.	To serve Requisitions for Information and Planning Contravention Notices under the following enactments:- (a) Section 330 of the Town and Country Planning Act 1990. (b) Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. (c) Section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990. (d) Section 171c of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services/ Senior Officer for Planning
PE3.	To institute proceedings in the Magistrates' Court for any non-return of the notices referred to above.	Development Control Committee	Head of Legal Services
PE4.	To Serve Breach of Condition Notices	Development Control Committee	Senior Officer for Planning
PE5.	To serve Enforcement Notices.	Development Control Committee	Senior Officer for Planning
PE6.	To serve Notices under section 215 of the Town and Country Planning Act for remedying the condition of land and to undertake consequent legal or direct action in default to secure compliance with the notice and recover expenses reasonably incurred	Development Control Committee	Senior Officer for Planning
PE7.	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to secure compliance with planning legislation or restrain breaches or anticipated breaches of	Development Control Committee	Head of Legal Services

	planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990		
PE8	In cases of urgency the following matters: Article 4 Directions Listed Building Enforcement Notices Stop Notices Tree Preservation Orders Building Preservation Orders Temporary Stop Notices	Development Control Committee	Senior Officer for Planning
PE9.	Powers of action under Section 225 of the Town and Country Planning Act 1990 relating to fly posting and/or as amended or extended by the Clean Neighbourhoods and Environment Act 2005	Development Control Committee	Senior Officer for Planning
PE10.	To serve discontinuance notices relating to breaches of Advertisement Regulations.	Development Control Committee	Head of Legal Services
PE11.	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997	Development Control Committee	Head of Legal Services
PE12.	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Development Manager
PE13	Institute, defend and withdraw criminal or civil legal proceedings for offences, breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements)	Development Control Committee	Head of Legal Services
PE14.	To determine that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through the grant of a planning permission had an application been submitted.	Development Control Committee	Senior Officer for Planning
PE15	To withdraw Enforcement Notices and Breach of Condition Notices when they have clearly been complied with and it is no longer possible for breaches to occur.	Development Control Committee	Senior Officer for Planning
PE16	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Senior Officer for Planning

### Trees

	Function	Delegated by:	Delegated to:
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PT1.	In cases of urgency the making of Tree Preservation Orders	Development Control Committee	Senior Officer for Planning
PT2.	Authority to confirm unopposed Tree Preservation Orders	Development Control Committee	Senior Officer for Planning
PT3	Authority to determine: (a) any application to carry out work to a tree(s) subject to a Tree Preservation Order; (b) any notification to carry out work to a tree within a Conservation Area. (Subject, in the case of a refusal recommendation, to prior consultation with the Ward Member(s)).	Development Control Committee	Senior Officer for Planning / Development Manager
PT4	To authorise named officers to enter land under the following provisions:- (a) Section 324 of the Town and Country Planning Act 1990. (b) Sections 196a and 196b of the Town and Country Planning Act 1990. (c) Sections 214b and 214c of the Town and Country Planning Act 1990. (d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Control Committee	Head of Legal Services / Senior Officer for Planning
PT5.	Authority to institute proceedings in the Magistrates' Court in respect of breaches of Tree Preservation Orders and Trees within Conservation Areas and non-compliance with Tree Replacement Notices	Development Control Committee	Head of Legal Services
PT6	To determine Hedgerow Removal Notices and ancillary matters	Development Control Committee	Senior Officer for Planning / Development Manager
PT7	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997	Development Control Committee	Head of Legal Services
PT8	To deal with any consultation (subject to there being no objections) by the Forestry Commission under: (a) Felling licence regulations. (b) The Forestry Grant Scheme. (c) Dedication Scheme. or such schemes and regulations as may replace or supplement the above.	Development Control Committee	Senior Officer for Planning / Development Manager
PT9	To determine, following prior consultation with the local Member(s), that no further action is required in respect of a breach of control which could have been dealt with under delegated powers had an application been submitted.	Development Control Committee	Senior Officer for Planning / Development Manager



Development Management			
	Function	Delegated by:	Delegated to:
PDM1	To authorise named officers to enter land under the following provisions:- a) Section 324 of the Town and Country Planning Act 1990. b) Sections 196a and 196b of the Town and Country Planning Act 1990. c) Sections 214b and 214c of the Town and Country Planning Act 1990. d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Control Committee	Head of Legal Services
PDM2	To determine whether the prior approval of the Local Planning Authority is required for development falling within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).	Development Control Committee	Development Manager
PDM3	Authority to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) and to offer screening and scoping opinions.	Development Control Committee	Development Manager
PDM4	To determine (with or without planning conditions or obligations) all planning applications and applications for Advertisement Consent, Listed Building Consent, Conservation Area Consent (as amended), Certificates of Lawfulness, Time Limit Extensions, Variation of Conditions (S73) or Prior Approval under the General Permitted Development Order under delegated powers, with the following exceptions:- (a) Planning Applications which within 21 days of the date of registration any District Councillor requests (in writing) that it be determined by the Committee/Sub-Committee, stating the planning reasons for such referral (b) Applications where the intended decision would be a material departure from the provisions of the approved or draft development plan or other approved or adopted Council planning policies or Supplementary Planning Guidance. (c) Applications submitted by or on behalf of the Council or which, in the opinion of a Senior Officer for Planning, affect Council owned land and/or buildings. (d) Applications for floodlight masts exceeding 6m in height when operational and Planning Applications for telecommunications masts (with the exception that additional antennae may be allowed provided that the Government's safety guidelines are met)	Development Control Committee	Senior Officer for Planning / Development Manager

<p>NB Applications for telecommunication masts under the prior approval process can be determined under delegated powers</p> <p>(e) Applications submitted by or on behalf of a Member or employee of the Council (or their spouse/partner) or where there may be a similar perceived or actual conflict of interest.</p> <p>(f) Applications which involve the proposed variation or discharge of a section 106 deed that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation</p> <p>(g) Applications which the Senior Officer for Planning or Development Manager, considers should be referred to the appropriate Area Planning Sub-Committee for determination.</p> <p>(h) Applications where the views of the Town Council or Parish Council are clearly contrary to the proposed recommendation and cannot be resolved by condition or negotiation (with the exception of householder development or advertisement consent, which may continue to be delegated)</p> <p>(i) Applications submitted within one year of a dismissed appeal on the site where it is intended that the application be approved (other than where the approval would reflect the clear views of the Inspector when determining the initial appeal)</p> <p><b>Notes regarding PDM4:</b></p> <p>1) The restrictions set out in categories (a) to (i) above shall not apply to applications for a resubmission of an extant valid planning permission or to applications where the principle of the development has already been agreed by a previous permission/consent and the new proposal contains details generally consistent with the earlier permission and planning circumstances have not changed</p> <p>2) The restrictions set out in categories (a) to (i) above shall not apply to any application seeking Reserved Matters consent where the principles have previously been agreed and the details are consistent with the criteria set out in the outline permission.</p> <p>3) The determining officer shall only exercise the delegated powers after taking into account all material planning considerations, including any written planning objections or representations which may have been received.</p> <p>4) The determining officer shall only exercise the delegated powers in accordance with planning legislation, regulations and procedures under which</p>		
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	<p>provision may be made for reference of applications to the Secretary of State or other statutory body.</p> <p>5) The determining officer shall only exercise the delegated powers following the expiry of the relevant consultation periods (with the proviso that where, because of the submission of the application in relation to the meeting date, it is not possible to deal with an application within the statutory period, then the application shall be referred to the Committee/Sub-Committee in advance of the expiry of the consultation period for Members to determine whether they wish to delegate determination of the application to Officers).</p> <p>6) The Senior Officer for Planning shall report details of all Planning applications determined under delegated powers to Members of the appropriate Area Planning Sub-Committee.</p>		
PDM5	Where recommendations on a planning application or proposal are not accepted by the Area Planning Sub-Committee, the right to withdraw the application or proposal for final determination by the Development Control Committee.	Development Control Committee	Senior Officer for Planning
PDM6	Authority to determine that a particular planning application or other matter shall be referred to the Development Control Committee for decision.	Development Control Committee	Senior Officer for Planning or Development Manager
PDM7	Authority to deal with complaints about High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.	Development Control Committee	Senior Officer for Planning or Development Manager
PDM8	To determine discharge of conditions applications, Minor and Non Material Amendments	Development Control Committee	Development Manager/Case Officer
PDM9	In cases of urgency the following matters: Article 4 Directions Listed Building Enforcement Notices Stop Notices Tree Preservation Orders Building Preservation Orders Temporary Stop notices	Development Control Committee	Senior Officer for Planning
PDM10	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to restrain breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services
PDM11	To determine, that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through	Development Control Committee	Senior Officer for Planning

	the grant of a planning permission had an application been submitted.		
PDM12	Institute, defend and withdraw criminal or civil legal proceedings for offences breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements)	Development Control Committee	Head of Legal Services
PDM13	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Senior Officer for Planning
PDM14	To respond to applications for the winning and working of minerals or the use of land for mineral-working deposits (a "County matter" and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward Member, and with the Chair of the Development Control Committee and the Leader of the Council.	Development Control Committee	Development Manager
PDM15	To respond to applications for waste development (a "County matter" and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward Member, and with the Chair of the Development Control Committee and the Leader of the Council.	Development Control Committee	Development Manager
PDM16	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Development Manager
PDM17	Authority to submit observations on Traffic Orders to the Highway Authority.	Development Control Committee	Development Manager
PDM18	To decide whether to decline to determine applications under sections 70a and 70b of the Town and Country Planning Act and sections 81a and 81b of the Planning (Listed Buildings and Conservation Areas) Act 1990	Development Control Committee	Senior Officer for Planning or Development Manager
PDM 19	To determine applications for Permission in Principle and Technical Details Consent	Development Control Committee	Development Manager
PDM 20	To determine applications where a decision to return the matter to committee would result in the potential for the application fee to be refunded as no extension of time has been agreed	Development Control Committee	Development Manager
PDM 21	To advertise applications for footpath diversions	Development Control Committee	Development Manager
PDM 22	To respond to Oxfordshire County Council in respect of Regulation 3 and Regulation 4 proposals	Development Control Committee	Development Manager

Conservation Areas			
	Function	Delegated by:	Delegated to:
PCI.	With the exception of either the designation of or an amendment to the boundaries of a Conservation Area, to exercise the Council's functions in relation to Conservation Areas	Executive	Senior Officer for Planning

## NOTES

1. Where under any delegation consultation should be undertaken with the local member this should be i) by e-mail; and ii) for a period of three days and the delegation should only be undertaken after that period has expired and where there is no disagreement between members in multi member wards. No response will be taken as an agreement to the suggested action.
2. Changes to Officer titles, onward delegation and minor drafting changes to ensure that delegations operate at the most appropriate level are authorised without referral back to the Development Control Committee.