



**LUTON BOROUGH COUNCIL**

**CONSTITUTION**

**PART 7**

**SCHEME OF DELEGATION TO OFFICERS  
(NON-EXECUTIVE FUNCTIONS)**

# **LUTON BOROUGH COUNCIL**

## **CONSTITUTION**

### **PART 7: SCHEME OF DELEGATION TO OFFICERS (NON-EXECUTIVE FUNCTIONS)**

#### **1. INTRODUCTION**

- 1.1 The Officers of the Council shall in respect of Non-Executive Functions have delegated to them the functions, powers and duties referred to in Paragraphs 3 and 4 below, but subject to the general reservations, conditions and qualifications set out in Paragraphs 5 and 6 below.

#### **2. DEFINITIONS**

- 2.1 In this Scheme the following expressions shall have the meanings assigned to them below:

“the Articles” means the Articles of the Constitution as set out in Part 2 of the Constitution;

“the Constitution” means the Constitution of the Council prepared and maintained under Section 37 of the 2000 Act;

“Corporate Director” means an officer who reports to the Chief Executive, whose post title includes the word “Director” and who is responsible for one or more Heads of Service;

“the Council” means Luton Borough Council;

“the Executive” means the Executive of Luton Borough Council appointed under the provisions of Part II of the 2000 Act;

“Executive Functions” means those functions of the Council which by virtue of Section 13 of the 2000 Act are the responsibility of the Executive and any Local Choice Function which under the provisions of the Constitution is the responsibility of the Executive;

“Financial Regulations” means the Financial Regulations as set out in Part 5 of the Constitution;

“the Functions Regulations” means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;

“the general reservations” means the reservations, conditions and qualifications set out in Paragraphs 5 and 6 of this Scheme;

“Head of Service” means an officer who reports to a Corporate Director or to

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the Chief Executive irrespective of that officer's post title, but does not include an officer whose duties are wholly or substantially in the nature of secretarial, administrative or clerical support;

"Local Choice Function" means a function of the Council which under Regulation 3(1) of and Schedule 2 to the Functions Regulations may or may not be the responsibility of the Executive;

"Non-Executive Functions" means those functions of the Council which under Regulation 2 of and Schedule 1 to the Functions Regulations are not the responsibility of the Executive and any Local Choice Function which under the provisions of the Constitution is not the responsibility of the Executive;

"power" includes any function, power or duty;

"the relevant budget" means the total approved revenue budget for the relevant financial year for, in the case of the Chief Executive or a Corporate Director, the Department for which the Chief Executive or Corporate Director is responsible, and, in the case of a Head of Service, the service area for which the Head of Service is responsible, with, in any case, no commitment to additional expenditure in any future year above the level of the budget for the relevant financial year;

"the relevant Corporate Director" means the Corporate Director responsible for the function in question or the Corporate Director to whom the Head of Service taking, proposing to take, or responsible for, the function in question reports;

"the relevant financial year" means the financial year in which the decision or action in question is taken;

"the relevant Head of Service" means the Head of Service responsible for the function in question or the Head of Service to whom the officer taking, proposing to take, or responsible for, the function in question reports;

"the relevant Judicial Panel" means the Judicial Panel responsible for function in question under Part 3 of the Constitution (Responsibility for Functions);

"Regulatory Committee" means one of the following Committees:

- Administration Committee
- Development Control Committee
- Licensing Committee
- Regulation Committee

"the relevant Regulatory Committee" means the Regulatory Committee, or a Sub-Committee of a Regulatory Committee, having responsibility for the power in question;

"Schedule 1" means Schedule 1 to this Scheme;

"Schedule 2" means Schedule 2 to this Scheme.

"Scheme of Devolved Financial Management" means the Scheme of Devolved Financial Management referred to in Financial Regulations;

"Standing Orders" means the Standing Orders as set out in Part 4 of the Constitution;

"the 2000 Act" means the Local Government Act 2000;

2.2 Subject to the definitions in Paragraph 2.1 above and to any other provision in this Scheme all expressions in this Scheme shall have the same meaning as they do in the Articles or in Standing Orders, and, if there be any conflict between the meaning of any expression in the Articles and the same expression in Standing Orders, the meaning of the expression in the Articles shall prevail.

2.3 Any reference in this Scheme to any Statute, Bye-law, Regulation or Scheme made by the Council or to any Part of the Constitution shall include any amendment, modification, re-enactment or re-issue of the Statute, Bye-law, Regulation, Scheme or Part of the Constitution.

### **3. GENERAL DELEGATIONS TO OFFICERS**

3.1 Each officer of the Council or category of officer of the Council specified in column (1) of Schedule 1 shall have delegated to her/him/them the powers specified in column (3) of Schedule 1 in relation to each such officer or category of officers.

3.2 For reference purposes each power specified in column (3) of Schedule 1 shall have the reference number in relation to that power specified in column (2) of Schedule 1.

3.3 The delegation of any power specified in column (3) of Schedule 1 shall be subject to any condition(s) or qualification(s) specified in column (4) of Schedule 1, which shall apply in addition to the general reservations.

### **4. SPECIFIC DELEGATIONS TO OFFICERS**

4.1 Each officer of the Council specified in column (1) of Schedule 2 shall have delegated to her/him the powers specified in column (3) of Schedule 2 in relation to that officer.

4.2 For reference purposes each power specified in column (3) of Schedule 2 shall have the reference number in relation to that power specified in column (2) of Schedule 2, which reference number shall include, for information purposes only, an indication of the relevant Regulatory Committee, or where

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relevant, Full Council, using the following key:-

FC = Full Council  
AD = Administration Committee;  
DC = Development Control Committee;  
LIC = Licensing Committee;  
REG = Regulation Committee;  
ALL = All Regulatory Committees.

4.3 The delegation of any power specified in Column (3) of Schedule 2 shall be subject to any condition(s) or qualification(s) specified in Column (4) of Schedule 2, which shall apply in addition to the general reservations.

## **5. GENERAL RESERVATIONS CONDITIONS AND QUALIFICATIONS APPLYING TO DELEGATIONS**

5.1 The following reservations, conditions and qualifications apply to the exercise of all powers delegated to officers:-

- (1) all powers and duties shall be exercised on behalf of and in the name of the Council;
- (2) the Constitution shall be complied with;
- (3) the right of the Council and the relevant Regulatory Committees to impose further conditions or restrictions on the exercise by officers, or any specified officer, of any delegated power;
- (4) the right of the Council and the relevant Regulatory Committee to exercise any power delegated to an officer, or to issue directions to an officer on the exercise of any power or duty, but the Council or the relevant Regulatory Committee shall not act in either of these ways if:-
  - (a) the officer concerned has already acted in the exercise of the delegated power; or
  - (b) to do so would involve or potentially involve the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or
  - (c) any third party rights would be adversely affected; or
  - (d) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
- (5) an officer may decline to exercise her/his delegated power in any case and make a recommendation to the relevant Regulatory Committee but

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shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise her/his delegated power.

- (6) Where an appeal lies against a delegated decision of an officer or where the determination of an application for the grant, renewal, or transfer of a licence or consent is not delegated to an officer, the appeal or, as the case may be, the application will be made to the relevant Judicial Panel and not to a Regulatory Committee.

## **6. AMENDMENT TO SCHEME**

- 6.1 This Scheme may be amended at any time by the Council.
- 6.2 The relevant Regulatory Committee may at any time amend Schedule 2 in relation to powers within the terms of reference of that Regulatory Committee.
- 6.3 Nothing in this Scheme shall preclude the relevant Regulatory Committee from revoking an officer's delegated authority in relation to a power delegated under Schedule 2 (either generally or in respect of specific matters) if the relevant Regulatory Committee considers that it is necessary to do so urgently in the interests of the Council.
- 6.4 In an emergency the Chief Executive:
  - (1) shall have authority to exercise the power given to the relevant Regulatory Committee under Paragraph 6.3 above;
  - (2) shall have power to revoke a specific officer's delegated authority in relation to a power delegated under Schedule 1 if the Chief Executive considers that it is necessary to do so urgently in the interests of the Council.

## SCHEDULE 1

### GENERAL DELEGATIONS TO OFFICERS

<b>(1) OFFICER</b>	<b>(2) REFERENCE NUMBER</b>	<b>(3) POWER DELEGATED</b>	<b>(4) CONDITIONS OR QUALIFICATIONS TO WHICH DELEGATION IS SUBJECT</b>
<b>ALL HEADS OF SERVICE</b>	1/01	To award a contract to the person or firm submitting the lowest (or, in the case of income to the Council, the highest) or most economically advantageous quotation or tender.	Compliance with Chapter 9 of Standing Orders.
	1/02	To approve final accounts.	
	1/03	To implement any decision of the Council or a Regulatory Committee or of an officer acting under delegated powers.	
	1/04	In any case where an enactment provides, authorises or requires a power to be carried out by an authorised officer of the Council, to authorise an officer to carry out that power under that enactment and to provide the officer with a warrant of authority, identity card or similar document.	

	1/05	To permit filming or sound recording on Council premises in relation to any matter within the Head of Service's area of responsibility.	Subject to prior consultation with the Head of Policy and Performance.
	1/06	Any power delegated to Heads of Service or Chief Officers by Standing Orders, Financial Regulations or the Scheme of Devolved Financial Management.	Any condition or qualification imposed by the Standing Order, Financial Regulation or provision of the Scheme of Devolved Financial Management under which the power is delegated.
	1/07	To appoint employees to the Council's establishment other than those within JNC related Chief Officer Conditions of Service.	Delegations 1/07 to 1/30 are subject to compliance with the Council's Policies and Procedures, particularly (but not exclusively) the Council's Policies and Procedures relating to Recruitment, Redundancy and Redeployment, Organisational Change, Job Evaluation and Equalities and to the relevant budget not being exceeded in addition to any specific condition or qualification specified below in relation to any of those Delegations.
	1/08	To confirm an employee's appointment following any probationary period.	As for Delegation 1/07.
	1/09	To vary or to carry out a restructuring of the Service's establishment.	As for Delegation 1/07 and subject to consultation with the Head of HR and Monitoring Officer and the Head of Finance.



	1/10	In any case where the Executive, or a person acting on behalf of the Executive, including any Officer to whom powers have been delegated by the Executive, has made a decision in relation to an Executive function (“the Executive decision”), to take any and all action in relation to any employee in the Head of Service’s Service, which is necessary or required to implement, or which is consequent on the Executive decision.	As for Delegation 1/07 and subject to consultation with the Head of HR and Monitoring Officer.
	1/11	To approve honoraria payments to employees for temporary additional duties.	As for Delegation 1/07 and subject to consultation with the Head of HR and Monitoring Officer.
	1/12	To grant special leave to an employee.	As for Delegation 1/07.
	1/13	To grant unpaid leave to an employee.	As for Delegation 1/07.
	1/14	To grant an essential or casual user car allowance to an employee.	As for Delegation 1/07 and subject to consultation with the Head of HR and Monitoring Officer.

	1/15	To approve an ex gratia payment to an employee who has suffered physical injury or damage to her/his personal property arising out of her/his employment.	As for Delegation 1/07 and subject to the payment or payments in relation to a single incident not exceeding £500 or between £500.01 and £1,000 following consultation with the Head of Finance. Any payment over £1,000.001 will require the approval of the Full Council.
	1/16	To exercise discretion in the starting salary of an employee.	As for Delegation 1/07.
	1/17	To award an additional increment or additional increments to an employee based on merit and within the employee's grade.	As for Delegation 1/07.
	1/18	To discipline and dismiss an employee in accordance with the Council's Disciplinary Procedure.	As for Delegation 1/07.
	1/19	To authorise an employee to undertake a training course and to approve financial assistance for such training.	As for Delegation 1/07.
	1/20	To recover (or to waive recovery of) any financial assistance which the Council may be entitled to recover from employee who discontinues a training course.	As for Delegation 1/07.

	1/21	To authorise overtime payments to an employee.	As for Delegation 1/07.
	1/22	To take on additional temporary or casual employees to cover for sickness, leave or peaks of workload.	As for Delegation 1/07.
	1/23	To approve apprenticeships.	As for Delegation 1/07.
	1/24	To approve the provision of telephone facilities for an employee required to be on emergency call out.	As for Delegation 1/07.
	1/25	To offer work experience placements to students.	As for Delegation 1/07.
	1/26	To approve payments under the Council's relocation scheme for new employees.	As for Delegation 1/07.
	1/27	To approve time off for trade union duties.	As for Delegation 1/07.
	1/28	To approve attendance by an employee at any conference relevant to the employee's area of work or professional discipline.	As for Delegation 1/07.
	1/29	To approve a request from any organisation for an employee to be available for call out duties in normal working hours in the event of an emergency or disaster.	As for Delegation 1/07.

	1/30	To approve a request from an employee to take on another employment, carry out a business or undertake work, other than work for the Council outside of normal working hours.	As for Delegation 1/07 and subject to being satisfied that such employment, business or other work will not conflict with the interests of the Council or with the employee's normal duties.
	1/31	To request the Head of Housing, to allocate Council housing to a new employee on a temporary basis.	

	1/32	To take all necessary action to deal with any emergency, whether or not such emergency relates to the Head of Service's area of responsibility.	<p>(1) If a Head of Service takes any action in an emergency relating to the responsibilities of any other Head of Service, or of a Corporate Director or the Chief Executive, (s)he shall, if practicable, consult the relevant Corporate Director or Chief Executive before taking the action and, in any event, shall inform that other Head of Service as soon as practicable after taking the action.</p> <p>(2) Any action taken in an emergency which would otherwise be outside the delegated authority of a Head of Service or which involves expenditure for which there is no provision shall be reported to the relevant Corporate Director, to the Head of Finance and to the relevant Regulatory Committee at the earliest opportunity.</p>
	1/33	To do anything necessarily incidental to the powers and duties delegated under this Scheme, or to the Head of Service's area of responsibility.	

	1/34	To arrange for another Officer in her/his Service to carry out any power delegated to that Head of Service, either under Schedule 1 or under Schedule 2.	Subject to the other Officer having the necessary qualifications and experience to exercise the power delegated.
<b>THE RELEVANT HEAD OF SERVICE</b>	1/35	To exercise any power delegated under this Scheme to an officer who reports to the relevant Head of Service.	<p>The relevant Head of Service shall not exercise this power if any of the following apply:</p> <ul style="list-style-type: none"> <li>(a) the officer concerned has already acted in the exercise of the delegated power; or</li> <li>(b) to do so would involve or potentially involve the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or</li> <li>(c) any third party rights would be adversely affected; or</li> <li>(d) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.</li> </ul>

<b>CHIEF EXECUTIVE</b>	1/36	To appoint an interim Corporate Director or, within the Chief Executive's own Department, an interim Head of Service.	<p>(1) Compliance with the Council's established recruitment policies, practices and procedures.</p> <p>(2) The relevant budget not being exceeded.</p> <p>(3) No such appointment being for a period of more than 9 months from the date on which the appointee commences her/his duties.</p>
	1/37	In relation to Heads of Service in the Chief Executive's Department, to exercise the power delegated to the relevant Corporate Director under delegated power 1/39 below.	Subject to the conditions set out in (a) to (d) in relation to Delegation 1/39.
<b>ALL CORPORATE DIRECTORS</b>	1/38	To appoint an interim Head of Service within the relevant Corporate Director's own Department.	Subject to the conditions set out in (1) to (3) above in relation to the Chief Executive under Delegation 1/36.

<p><b>THE RELEVANT CORPORATE DIRECTOR</b></p>	<p>1/39</p>	<p>To exercise any power delegated under this Scheme to a Head of Service who reports to the relevant Corporate Director.</p>	<p>The relevant Corporate Director shall not exercise this power if any of the following apply:</p> <ul style="list-style-type: none"> <li>(a) the officer concerned has already acted in the exercise of the delegated power; or</li> <li>(b) to do so would involve or potentially involve the Council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration; or</li> <li>(c) any third party rights would be adversely affected; or</li> <li>(d) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.</li> </ul>
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## SCHEDULE 2

### SPECIFIC DELEGATIONS TO OFFICERS

<b>(1) OFFICER</b>	<b>(2) REFERE NCE NUMBER</b>	<b>(3) POWER DELEGATED</b>	<b>(4) CONDITIONS OR QUALIFICATIONS TO WHICH DELEGATION IS SUBJECT</b>
<b>HEAD OF BUSINESS AND CONSUMER SERVICES</b>	2/01 REG	To appoint any person as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 and to vary or revoke any such appointment.	
	2/02 FC	To authorise or permit an officer of the Council to be appointed as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 by any of the following authorities:  Bedford Borough Council, Broxbourne Borough Council, Central Bedfordshire Council, Dacorum Borough Council, East Hertfordshire District Council, Hertfordshire County Council, Hertsmere Borough Council, North Hertfordshire District Council, St. Albans City and District Council, Stevenage Borough Council,	

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		<p>Three Rivers District Council, Watford Borough Council, and Welwyn Hatfield Borough Council</p> <p>(referred to collectively in Delegations 2/03 and 2/04 as "the relevant authorities").</p>	
	2/03 FC	<p>Under Section 1 of the Local Authorities (Good and Services) Act 1970, to authorise or permit an officer of the Council to be appointed as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 by the Health and Safety Executive within the Borough of Luton or within the area or areas of any of the relevant authorities.</p>	
	2/04 FC	<p>To appoint an officer of any of the relevant authorities or an officer of the Health and Safety Executive as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 for the purpose of the discharge of any of the Council's functions under that Act.</p>	

	2/05 FC	Under Section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974 to authorise a person to accompany an Inspector appointed under Section 19 of that Act.	
	2/06 REG	To serve Improvement and Emergency Prohibition Notices Under Sections 10 and 12 of the Food Safety Act 1990.	
	2/07 REG	All powers under the European Communities Act 1972 or Regulations made under that Act in relation to food hygiene, food standards, food safety, imported food and animal feed.	
	2/08 REG	<p>To serve Statutory Notices in respect of the execution of works in default and recovery and apportionment of expenses arising from the following statutes:-</p> <p>(1) Control of Pollution Act 1974; and</p> <p>(2) Clean Air Act 1993.</p>	Delegation 2/08 shall not apply in any case where the Chief Executive or the Head of HR and Monitoring Officer has delegated power to serve such notices.
	2/09 REG	To issue permissions for street and house to house collections in accordance with the Council's Standard Conditions.	

	2/10 REG	Registration of persons and premises for the purpose of carrying on the business of acupuncture, tattooing, ear-piercing and electrolysis.	
	2/11 REG	<p>The Council's functions powers and duties under the following Acts and any Directives or Regulations made under those Acts together with any other relevant current legislation for the time being in force:</p> <ul style="list-style-type: none"> <li>- Animal Boarding Establishments Act 1963;</li> <li>- Clean Air Act 1993;</li> <li>- Dangerous Wild Animals Act 1976;</li> <li>- Environmental Protection Act 1990;</li> <li>- Game Act 1831;</li> <li>- Guard Dogs Act 1975;</li> <li>- Section 13-17, Local Government (Miscellaneous Provisions) Act 1982;</li> <li>- Pet Animals Act 1951;</li> </ul>	<ol style="list-style-type: none"> <li>1. Delegation 2/11 shall not apply in any case where the Chief Executive or the Head of HR and Monitoring Officer has delegated power to exercise a function under the legislation referred to.</li> <li>2. The Delegations in relation to the Gambling Act 2005 shall only have effect insofar as no other Delegation is in force in relation to the same matter.</li> </ol>

		<ul style="list-style-type: none"> <li>- Riding Establishments Acts 1964 and 70;</li> <li>- Slaughterhouses Act 1974; and</li> <li>- Zoo Licensing Act 1981.</li> </ul>	
	2/12 REG	Registrations in accordance with the Scrap Metal Dealers Act 1964 (exemption of Scrap Metal Dealers from registration).	
	2/13 REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/13 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Head of Business and Consumer Services or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Regulation Committee.</p>

	2/14 REG	To maintain a register under the Pharmacy and Poisons Act 1933.	
	2/15 REG	To refuse acceptance of any application for any licence which is incomplete, filled out incorrectly or outside any formal time limit required by legislation.	
	2/16 REG	To determine claims under Smoke Control Orders. Determination of Applications under Section 6 of the Clean Air Act 1968.	
	2/17 REG	Approval of prior consents to work on construction sites and conditions to be attached thereto under Section 61 of the Control of Pollution Act 1974.	
	2/18 REG	The functions powers and duties of the Council in respect of the Environment Act 1995 Part IV and Sections 108 to 110, 113 and 123 of Part V.	

	2/19 REG	<p>To issue any licences/certificates and/or make and keep any registration of persons or premises in pursuance of the following Acts and where appropriate collect fees for the issue or variation of such licences and certificates:-</p> <p>Environmental and Safety Information Act 1988;</p> <p>Poisons Act 1972; and</p> <p>Performing Animals (Regulation) Act 1925.</p>	
	2/20 REG	<p>To take such action as is necessary to comply with the duty imposed on the Council by the Vehicles (Crime) Act 2001.</p>	
	2/21 REG	<p>Power to enforce against offences under Part 1 Health Act 2006 (smoking restrictions).</p>	
	2/22 REG	<p>Power to transfer enforcement functions to another enforcement authority under the Smoke-free (Premises and Enforcement) Regulations 2006.</p>	

	2/23 REG	<p>Authority, where sufficient information is available prior to a noisy or pay party to enable an injunction to be obtained:-</p> <ol style="list-style-type: none"> <li>(1) to instruct Counsel to take any necessary action;</li> <li>(2) to take proceedings in the High Court under Section 222 of the Local Government Act 1972 including injunction proceedings and such other action as Counsel may advise to prevent within the Borough of Luton any persons from committing or attempting to commit an offence or offences contrary to Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982;</li> <li>(3) to take proceedings under Sections 80 and 81 of the Environmental Protection Act 1990, including injunction proceedings and such other action as Counsel may advise when an offence has been committed under Section 80(4) of the said Act and it is unlikely that proceedings for the offence would afford an adequate remedy in the case of a noise nuisance; and</li> </ol>	
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		(4) in interlocutory proceedings to give an undertaking as to damages on behalf of the Council where this is specifically required.	
<b>CHIEF BUILDING CONTROL SURVEYOR</b>	2/24 REG	To issue, amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.	
	2/25 REG	To issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987.	
<b>DEVELOPMENT CONTROL MANAGER</b>	2/26 DC	In relation to any appeal made under the Town and Country Planning Act 1990 or any Regulations or Directions made under that Act, to prepare, submit and present the Council's statement including appropriate conditions and, if appropriate, in the case of enforcement appeals, a statement as to whether the Council would be prepared to grant permission or consent for the development or works the subject of the appeal.	<p>1. Subject to the interpretation at 2 below the following are excepted from the powers delegated under Delegations 2/04 to 2/11.</p> <p>1.1 Applications for outline or full planning permission (or for approval of reserved matters relating to means of access and/or siting and/or design) for residential schemes involving the development of 0.5 hectares or more of land or the erection of 10 dwellings or more.</p>

	2/27 DC	To determine all applications for planning permission, approval and consent and to issue responses to prior notifications under the provisions of the Town and Country Planning Act 1990 (including the imposition of appropriate conditions).	1.2 Changes of use of buildings involving the creation of 10 units or more of residential accommodation.  1.3 Applications for outline or full planning permission (or for approval of reserved matters relating to means of access and/or siting and/or design) for non-residential schemes involving the development of 0.5 hectares or more of land or the creation of 1,000 square metres or more of floorspace.
	2/28 DC	To supply of copies of all applications for planning permission and plans accompanying such applications, at full cost, except to persons/organisations who are unable to inspect the documents by reason of disability or they being a considerable distance from the Town Hall.	1.4 Changes of use involving non-residential accommodation exceeding 1,000 square metres of floorspace.
	2/29 DC	To serve Planning Contravention Notices under Section 171C, and Breach of Conditions Notices in accordance with Section 187A of the Town and Country Planning Act 1990.	1.5 Where the decision would be contrary to the provisions of the development plan then in force for the area, except in the case of minor variations from approved planning standards (as described in Paragraph 2.1 below).

	2/30 DC	To authorize officers of the Council to enter on to land in accordance with the terms of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.	<p>1.6 Where the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households either objecting to or supporting an application received in writing within the period specified for representations from members of the public (other than the applicant or their agent) when the objection or petition is made having regard to material planning considerations (as specified in Paragraph 2.2 below).</p> <p>1.7 Where a Member of the Council or the Chief Executive has requested that a decision on an application be made by the Development Control Committee.</p> <p>1.8 Where an application for permanent development (i.e. not temporary buildings or structures) has been submitted by or on behalf of the Council or relates to land owned or occupied by the Council which is recommended for approval and which is:-</p>
	2/31 DC	To determine whether a proposed minor amendment to an existing planning application permission requires submission of a fresh planning application and to approve any such fresh application where no planning objections have been made.	
	2/32 DC	To advertise applications which, if approved, would be contrary to the provisions of the development plan, as required by the Town and Country Planning (Development Plans and Consultation) Directions 1992.	

	2/33DC	To formulate responses to consultations from other local planning authorities and statutory undertakers.	<ul style="list-style-type: none"> <li>a) subject to a written objection from a consultee or member of the public, or</li> <li>b) is either contrary to the development plan or not in conformity with the Council's planning standards.</li> </ul> <p>1.9 Where an application has been submitted by or on behalf of a Member or officer of the Council which is recommended for approval and which is:-</p> <ul style="list-style-type: none"> <li>a) subject to a written objection from a consultee or member of the public; or</li> <li>b) is either contrary to the development plan or not in conformity with the Council's planning standards.</li> </ul>
			<p>1.10 Where the decision of the Development Control Manager would run counter to an earlier decision or condition imposed by the Development Control Committee in respect of the same site.</p> <p>1.11 Where the terms of any permission that might be granted are to be subject to an Agreement or planning obligation under Section 106 of the Town and Country Planning Act 1990.</p>

			<p><b>2. <u>Interpretation</u></b></p> <p>2.1 The minor variations referred to in Paragraph 1.5 above are variations to the Councils standards in respect of driveway lengths, the provision of garaging and parking, minimum garden sizes, distances between buildings etc.</p> <p>2.2 For the purposes of Paragraph 1.6 above the following shall not be regarded as material planning considerations:-</p> <ul style="list-style-type: none"> <li>(a) an objection to the principle of development where the proposal is not contrary to the policies of the approved development plan;</li> <li>(b) a trade objection which anticipates competition from the proposed development;</li> <li>(c) objections relating to trespass on to the objector's property;</li> <li>(d) noise and other forms of disturbance arising during and solely as a result of any building operations involved in the development;</li> </ul>
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			<ul style="list-style-type: none"> <li>(e) the question of future maintenance of the objector's property; perceived loss of value to the objector's property, drainage and other issues covered by building control procedures;</li> <li>(f) issues which are covered by other legislation and over which planning controls do not exist;</li> <li>(g) alleged unauthorised activities or works or directly relating to the proposal under consideration and which might be dealt with through other planning investigations;</li> <li>(h) comments of a wholly personal nature, including opinions of morality and comments which are abusive or discriminatory in nature; or</li> <li>(i) the wording or context of proposed advertisements.</li> </ul>
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	2/34 DC	To issue and serve enforcement notices, special enforcement notices, stop notices, temporary stop notices, completion notices and notices requiring proper maintenance of land under the Town and Country Planning Act 1990.	
	2/35 DC	To issue and serve listed building and conservation area enforcement notices, building preservation notices and urgent works notices under the Planning (Listed Buildings and Conservation Areas) Act 1990.	
	2/36 DC	To contest any appeal and the execution of works in default where action has been taken under the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990 under Delegations 2/12 or 2/13 above.	

	2/37 DC	To deal with matters relating to the preservation of trees under sections 197 to 214D of the Town and Country Planning Act 1990 with the exception of a Tree Preservation Order to which an objection has been made and not withdrawn.	
	2/38 DC	To deal with requests for information under Section 330 of the Town and Country Planning Act 1990 and the Local Government (Miscellaneous Provisions) Act 1982 (ownership etc. of property).	
<b>HEAD OF ENGINEERING AND STREET SERVICES</b>	2/39 REG	To serve statutory notices, executive works in default, recover and apportion expenses and any other powers and duties of the Council in respect of the Environment Act 1995 Part II, Sections 45, 51 to 57, 59 to 60 and Part IV, 86 to 90, 92, 93, 95 to 99.	
	2/40 REG	To grant permission for the provision of services, amenities, recreation and refreshment facilities on the highway, and related powers, under Sections 115E, 115F and 115K of the Highways Act 1980.	



<b>DIRECTOR OF ENVIRONMENT AND REGENERATION</b>	2/41 REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/41 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Director of Environment and Regeneration or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Regulation Committee as to the future conduct of the review.</p>
<b>HEAD OF HR AND MONITORING OFFICER</b>	2/42 AD	To agree to the retirement of employees on grounds of permanent ill health within the requirements of the Local Government Pension Scheme and the Council's agreed practice.	Subject to obtaining medical advice
	2/43 AD	To approve extensions of sick pay by up to 3 months.	After consulting the relevant Head of Service

	2/44 AD	To approve payments in lieu of notice where it is inappropriate to require an employee to work her/his notice period.	After consulting the relevant Head of Service and the Head of Finance
	2/45 AD	To take such action as is necessary either to add or to remove the name of any person from either the list of Experienced Members or Lay Members in respect of either the Education Admission Appeal Panel or the Education Exclusion Review Panel.	
	2/46 ALL	To appoint appropriately qualified persons to act as the Clerk to the Luton Independent Admission Appeal Panel and to the Luton independent Exclusion Review Panel whether in either case relating to an appeal or review in respect of a maintained school or otherwise.	
	2/47 FC	To make minor or consequential amendments to the Council's Constitution necessary in the interests of clarity, the avoidance of duplication or inconsistency or to bring the documents into line with legislative requirements.	

<b>PRINCIPAL SOLICITORS</b>	2/48 ALL	To prosecute for offences both under statute and at common law and institute proceedings.	In respect of Non-Executive Functions.
	2/49 ALL	To authorise any officer of the Council to appear in Court under the provisions of Section 223 of the Local Government Act 1972.	With respect to Non-Executive Functions.
<b>HEAD OF PLANNING AND TRANSPORT</b>	2/50 DC	To determine applications for consents under the Tree Preservation Order Regulations.	
	2/51 DC	To consider applications for Claims for Deemed Consent under the provisions of the Planning (Hazardous Substances) Regulations 1992.	
	2/52 DC	To determine applications for consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 for minor works affected Listed Buildings but not extending either the height or floor area of such buildings.	

	2/53 DC	To determine applications for a determination as to whether or not the Local Planning Authority wishes to exercise control over the demolition of a building under the Town and Country Planning (Demolition – Description of Buildings) (No. 2) Direction 1992.	
	2/54 DC	To determine the extent of “Environmental Statements” to be submitted by prospective developers in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.	After consulting the Chair of Development Control Committee.
	2/55 DC	To issue a Retention Notice in respect of any relevant application made under Regulation 5 of the Hedgerow Regulations 1997.	
	2/56DC	To serve statutory notices, execute works in default, recover and apportion expenses and any other powers or duties of the Council in respect of circumstances where the Environment Act 1995 Part II (Section 57) applies (to deal with land which presents an imminent danger or serious danger or serious harm or serious pollution of controlled waters).	After consulting the Head of Business and Consumer Services.

<b>HEAD OF SPECIALIST FAMILY SUPPORT SERVICES</b>	2/57 REG	To approve the employment of children.	
<b>SERVICE MANAGER – ECONOMIC GROWTH AND PUBLIC PROTECTION</b>	2/58 REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/58 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Service Manager Economic Growth and Public Protection or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Regulation Committee as to the future conduct of the review.</p>

<b>SERVICE MANAGER - PUBLIC PROTECTION (OPERATIONS)</b>	2/59 REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/59 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Service Manager – Public Protection (Operations) or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Regulation Committee as to the future conduct of the review.</p>
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<b>SERVICE MANAGER – PUBLIC PROTECTION (AUTHORISATIONS)</b>	2/60 REG	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<p>1 Delegation 2/60 is subject to compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the Council's Convictions Policy.</p> <p>2 Where the Service Manager – Public Protection (Authorisations) or any other Officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the Chair of the Regulation Committee as to the future conduct of the review.</p>
	2/61 LIC	Under the Licensing Act 2003 to refuse personal licences where refusal is mandatory and otherwise to grant them.	A personal licence may only be granted where no objection notice is given by the Police.
	2/62 LIC	Under the Licensing Act 2003, to grant and to vary premises licences and club premises certificates and to issue provisional statements.	Delegation 2/62 only applies where no relevant representations are made.

	2/63 LIC	Under the Licensing Act 2003 to vary a premises licence to specify a new premises supervisor.	Where no Police objection is made.
	2/64 LIC	Under the Licensing Act 2003 to grant or reject applications for transfer of premises licences where such grant or rejection is mandatory	
	2/65 LIC	Under the Licensing Act 2003 to decide whether a representation made is irrelevant, frivolous or vexatious.	
	2/66 LIC	Under the Licensing Act 2003 to issue to relevant premises users counter notices when permitted limits have been exceeded for Temporary Event Notices.	
	2/67 LIC	Under the Licensing Act 2003 to reject any ground for review of a premises licence or club premises certificate if satisfied that the ground is not relevant to one or more of the licensing objectives, the ground is frivolous or vexatious or the ground is a repetition.	After consulting with the Chair and Vice Chair of the Licensing Committee.
	2/68 LIC	Under the Licensing Act 2003, to carry out the Council's functions with regard to enforcement.	



	2/69 LIC	Under the Gambling Act 2005 to grant applications for premises licences, for variation or transfer of premises licences, and for Provisional Statements.	Where no representations under Section 161 of the Gambling Act 2005 are received or where any such representations have been withdrawn.
	2/70 LIC	Under the Gambling Act 2005 to grant applications for club gaming and club machine permits.	Where no objections are received from the Gambling Commission or the Police or where any such representations have been withdrawn.
	2/71 LIC	Under the Gambling Act 2005 to grant applications for family entertainment centre gaming machine permits, licensed premises gaming machine permits, and prize gaming permits.	
	2/72 LIC	Under the Gambling Act 2005 to grant applications for the grant or renewal of permits for amusement with prizes gaming machines, commercial amusement with prizes or low stake gaming on alcohol premises under the Gaming Act 1968 as amended by the Licensing Act 2003.	
	2/73 LIC	Under the Gambling Act 2005 to set fees where appropriate.	
	2/74 LIC	Under the Gambling Act 2005 to grant applications for other permits.	

	2/75 LIC	Under the Gambling Act 2005 to cancel licensed premises gaming machine permits.	
	2/76 LIC	Under the Gambling Act 2005 to serve counter-notices in response to temporary use notices where the maximum permitted period is exceeded.	
	2/77 REG	To approve premises as approved premises for the solemnisation of civil marriages under Section 26(1)(bb) of the Marriage Act 1949 (as amended by the Marriage Act 1994) and The Marriages (Approved Premises) Regulations 1995.	
	2/78 REG	To have all the powers of the Proper Officer under the Registration Service Act 1953 and all other relevant enactments with respect to the Registration of Births, Marriages and Deaths.	

	2/79 LIC	<p>Under the Gambling Act 2005 to reject applications for the review of premises licences where the grounds on which the review is sought:-</p> <ol style="list-style-type: none"> <li>(1) do not raise an issue relevant to the principles to be applied under section 153 Gambling Act 2005;</li> <li>(2) are frivolous;</li> <li>(3) are vexatious;</li> <li>(4) will certainly not cause the Licensing Authority to wish to revoke or suspend the premises licence or to exclude, remove or amend an exclusion or to add, remove or amend a condition;</li> <li>(5) are substantially the same as grounds specified in an earlier application for review; or</li> <li>(6) are substantially the same as representations made in relation to the application for the premises licence.</li> </ol>	<p>After consulting the Chair and Vice Chair of the Licensing Committee</p>
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<b>TRANSPORT MANAGER</b>	2/80 REG	Under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend a Hackney Carriage or Private Hire Vehicle Licence where a vehicle so licensed fails to satisfy the Council's technical requirements and, in the opinion of the Transport Manager, is not fit for use as a Hackney Carriage or Private Hire vehicle.	
<b>THE CLERK TO THE LUTON INDEPENDENT APPEAL ADMISSION PANEL</b>	2/81 ALL	To appoint members to sit on individual Panel hearings to determine an appeal  To take all necessary action with regard to the conduct of that appeal as is necessary in the furtherance thereof.	
<b>THE CLERK TO THE LUTON INDEPENDENT EXCLUSION REVIEW PANEL</b>	2/82 ALL	To appoint members to sit on individual Panel hearings to carry out a review  To take all necessary action with regard to the conduct of that review as is necessary in the furtherance thereof.	