

## **PART 3**

### **2. SCHEME OF DELEGATION TO OFFICERS**

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## 1. INTRODUCTION

This Scheme of Delegation is maintained under Section 100G of the Local Government Act 1972 and lists the functions that have been delegated to particular officers by either the Council or the Executive Board. These functions are delegated to officers by the Council under Sections 101 and 151 of the Local Government Act 1972 and by the Executive Board under Section 15 of the Local Government Act 2000.

All directors are authorised to make arrangements for the proper administration of the functions falling within their responsibility.

- 1.1 The officers described in this Scheme may authorise officers in their Department/service area to exercise on their behalf, functions delegated to them. Any decisions taken under this authority shall remain the responsibility of the officer described in this Scheme and must be taken in the name of that officer, who shall remain accountable and responsible for such decisions. Each department shall maintain a record of these further delegations.
- 1.2 The Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions. Any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulations, orders or bylaws made there under.
- 1.3 In exercising delegated powers officers shall comply with:-
  - 1.3.1 Any statutory provisions;
  - 1.3.2 The Council's Constitution,
  - 1.3.3 The Council's Policy Framework and Budget;
  - 1.3.4 The Officer's Code of Conduct
  - 1.3.5 The Code of Recommended Practice on local authority publicity;
  - 1.3.6 Agreed arrangements for recording decisions;
  - 1.3.7 Taking legal or other appropriate professional advice when required
  - 1.3.8 The principles of Best Value by using the most efficient and effective means available

- 1.3.9 The need to consult persons or representatives of persons who may be affected by the decision, including where appropriate the local ward member.
- 1.4 The Scheme does not delegate any matter which:-
- 1.4.1 Is reserved by law or by this Constitution to the full Council; or
- 1.4.2 Which may not by law be delegated to an officer
- 1.5 The Scheme places an obligation on officers to keep the appropriate member(s) properly informed of decisions made under these delegations.
- Where an officer makes a significant decision which is based upon a power delegated from the Executive Board, that decision must be recorded and made available on request to overview and scrutiny committees, individual councillors and to the public, subject to any limitations on exempt or confidential information.
- 1.6 It is always open to the Executive Board or any Committee of the Council as appropriate to take decisions on any matter falling within the delegated power of an officer, provided that the matter is within their terms of reference.
- 1.7 Where expenditure is involved, such action shall be conditional upon financial provision being included within the approved budget of the Council and Financial Procedure Rules being complied with.
- 1.8 The Executive Board will review from time to time as may be necessary the general operation of this Scheme of Delegation with any variation or amendment requiring the approval of the Council.
- 1.9 Should the title of an officer be altered from that shown due to a re-organisation of departmental arrangements or any other reason, the approved delegated powers and duties shall be exercisable by the Chief Executive or the relevant Director or Head of Service, as the case may be, responsible for the function in question.
- 1.10 In exercising these delegated powers the Chief Executive or the Director or Head of Service concerned shall have broad discretion subject to complying with all relevant legislation, the Council's Constitution, Council Procedure Rules and Financial Procedure Rules and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
- 1.11 Officers shall act so as to achieve for their service the policies and objectives of their service area, always having regard to the overall

corporate interests of the Council.

- 1.12 In exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given.
- 1.13 It shall always be open to an officer to consult an Executive Board Member, a Committee, or its Chair or Vice-chair before the exercise of the delegated powers. Where a particular matter under delegated authority gives the officer (or the relevant Executive Board Member or Chair) cause for concern, it should be the subject of a report to the relevant Executive Board Member or the Executive Board or Committee.

## **DELEGATED POWERS TO THE CHIEF EXECUTIVE AND ALL DIRECTORS**

### **General Powers**

- Determination of all matters which are not required to be considered by the Council or Executive Board or which have not been referred to a committee or a sub-committee for determination.
- Determination of any urgent matter in the purview of the Council, the Executive Board or any committee where it is impractical to convene a meeting of that body to consider the matter.
- To serve requisitions for information under Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation. This power is also delegated to all Heads of Service.
- To approve tenders or award contracts within the terms of the Council's Contract Procedure Rules or Financial Regulations.
- In any disputes or legal proceedings to have authority to take all action in relation to those disputes or proceedings and to prosecute pursue defend appeal abandon or settle those disputes or proceedings, as advised by the Head of Administration and Law.
- To incur expenditure or take any other step in the day to day operation of Council services in accordance with approved budgets of any Service area.
- To set all fees and charges, in consultation with the Head of Financial Services.
- To approve draft recommendations contained in Ombudsman reports.

To take action on behalf of the Council in consultation with the relevant Executive Board Member in any urgent matter which does not allow for prior authorisation to be obtained where:-

- There is a serious risk of significant cost to the Council of loss of income resulting from lack of immediate action;
- The Council's property or staff or persons in its care or for whom it has a responsibility would otherwise be placed at serious risk of suffering harm/damage;
- An emergency or disaster involving destruction or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster and such action is calculated to avert, alleviate or eradicate the effects or potential effects of the event.

### **Legal Proceedings**

To instigate legal proceedings and enforce such legislation as may, from time to time, be his/her responsibility to enforce. To issue and serve statutory and other notices, to issue formal cautions, to take default action under all legislation relevant to their functional area and to authorise officers to appear on behalf of the Council before courts, tribunals, review boards and inquiries and also to sign all necessary documents and authorise entry to land in pursuance of statutory powers.

## **Employment Tribunals and Employment Disputes**

To approve compromise settlements in relation to any employment dispute, as advised by the Head of Administration and Law and the Assistant Chief Executive (PMP).

## **Health & Safety at Work**

To be responsible for all matters in relation to Health and Safety at work as defined in the Corporate Health and Safety Policy and Arrangements for Implementation.

The Chief Executive shall be entitled to determine any matter otherwise delegated to a Director in the event of that officer's absence or refusal to exercise specific delegated powers.

## **Proper Officer Functions**

Proper Officer functions under the Local Government Act 1972 are delegated as follows:-

- To sign summonses to attend Council, Committee and Sub-Committee meetings-The Chief Executive.
- Section 88 - to convene a meeting of Council to fill a casual vacancy in the office of Chairman of the Council-The Chief Executive.
- Section 100(B) (2)-to exclude reports or parts of reports from the right of public inspection-The Head of Administration and Law
- Section 225 – to receive and retain deposited documents-The Chief Executive.
- Section 229(5) – to certify documents-The Chief Executive.
- For all matters arising out of Part VA of the Local Government Act 1972 (Access to Information) or the Local Government Act 2000-The Chief Executive.

Other proper officer functions:-

- To issue determinations consents licences or notices within the Terms of Reference of the Planning Committee -The Director of Technical Services or the Head of Planning.
- To issue determinations consents licences or notices on behalf of the Council-The Chief Executive or any relevant Director or Head of Service.
- To sign any documents on behalf of the Council relating to land-The Chief Executive or the Head of Administration and Law.
- To attest the Common Seal of the Council as the officer authorised under the Council's Standing Orders-The Chief Executive or the Head of Administration and Law.
- To sign any contractual documents on behalf of the Council relating to any matter-The Chief Executive, the Head of Administration and Law or any relevant Director or Head of Service, subject (as appropriate) to that officer advising and obtaining approval from the Head of Administration and Law of the proposed signing of such document in advance of such signing.
- The Registration of Births, Deaths and Marriages-The Chief Executive.
- To receive declarations of acceptance of Office by County Councillors and Co-

opted Members of the Council's Committees-The Chief Executive and the Head of Administration and Law.

- In relation to any other proper officer function not allocated to other officers -The Chief Executive and the Head of Administration and Law.

# **CHIEF EXECUTIVE'S**

The Chief Executive shall be the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989, having responsibility for the following functions:

### **General**

- the strategic direction and management of the Council
- the manner in which the discharge of the various functions of the Council are discharged
- the numbers and grades of staff required by the Council to discharge its functions
- the organisation appointment and proper management of the Council's staff
- acting as Returning Officer and Electoral Registration Officer for local government, National Assembly for Wales, Parliamentary and European elections
- amending election fees for Local Authority elections following the annual NJC pay award or a review of relevant fees by the Home Office
- those powers and duties relating to election functions that are delegated to the Head of Paid Service by the Council, as set out in part D of table 1 in Part 3 of this Constitution.
- To authorise the initiation of legal proceedings arising out of alleged defamatory statements made against Council officers (excluding allegations made against the Head of Paid Service), provided that such action is supported by Counsel's advice.

### **Staffing Issues**

To approve and sign Certificates of Opinion to accompany applications to the Independent Adjudicator for exempting officers from the application of the political restriction rules in the Local Government and Housing Act 1989.

To award performance related payments to Directors in accordance with the Council's performance appraisal scheme. Actual payments will be authorised by the Assistant Chief Executive (PMP).

### **Investigating Panel**

To appoint, in consultation with the Leaders of the Political Groups, 5 members to serve on the Investigating Panel for JNC Officer disciplinary issues.

## **Annual Statement of Internal Control**

To act as the Council Officer nominated to sign the Annual Statement of Internal Control following formal approval by the Audit Committee.

## **Dispersal Order**

Delegated authority be vested in the Chief Executive in respect of Dispersal Orders

## **ADMINISTRATION AND LAW**

The Head of Administration and Law shall be authorised to exercise the following functions:-

### **Monitoring Officer**

To be the Monitoring Officer for the County Council under Section 5 of the Local Government and Housing Act 1989, with power to designate another officer to act as Monitoring Officer in the event of his absence.

To be responsible for undertaking Stage 2 determinations on behalf of the Dyfed Pension Fund.

### **Head of Administration and Law**

To act as Head of Profession for legal functions.

### **Legal Agreements and Contracts (excluding land)**

To sign or attest the seal of the County Council in respect of any contract or legal agreement.

### **Legal Agreements and Contracts relating to Land**

To sign agreements relating to all land transactions and also authority to delegate that power to individual officers in other departments or service areas on such terms and conditions as may be specified.

### **Litigation**

To defend or arrange for the defence of any actions, claims, or proceedings brought against the Council and to incur any necessary expenditure in relation to the legal processes involved including (but not limited to) expenditure in relation to the retention of external advisers including Counsel, experts and external legal advisers and settle claims for damages (including making payments into Court where necessary), subject to consultation where time allows with the appropriate service director, with a report on action taken being submitted to the appropriate Executive Board Member meeting where the settlement figure exceeds £100,000. To agree the amount of and pay a claimant's legal costs in relation to claims settled up to £30,000 in respect of any one

claim.

To authorise the payment of damages and legal costs arising as a result of a Court Order against the Council, to the sum or sums specified in the Court Order.

To institute any legal proceedings for the furtherance of the Council's functions, including proceedings for an injunction, where it is necessary for such proceedings to be commenced as a matter of urgency in order to prevent danger or injury to Council staff or members of the public, to protect Council land and property, to maintain essential services, or for any other purpose where the Council or the public will be seriously prejudiced if such action is not taken, and to settle such proceedings subject to consultation where time allows with the appropriate service director, with a report on action taken being submitted to the appropriate Executive Board Member meeting where the settlement figure exceeds £100,000.

To provide and accept any undertakings or deal with any other ancillary matter required by the Court during the course of such proceedings.

To settle Employment Tribunal cases subject to consultation where time allows with the appropriate service director and the Assistant Chief Executive (PMP).

### **Indemnities**

To authorise indemnities where they are required to enable the Council to exercise any of its functions provided that where the giving of an indemnity could have exceptional financial implications, the matter shall be referred to the appropriate Member of the Executive Board.

### **Retention of Counsel**

To seek Counsel's Opinion or other expert advice and to retain Counsel or other experts whenever this is considered to be appropriate.

### **External Legal Advice**

To procure external legal advice and support in relation to any proceedings or matter involving the County Council, or a company or partnership in which the County Council has an interest where that is considered to be appropriate.

### **Legal Costs**

To settle the amount of vendors' legal costs based on the Solicitors Remuneration Order 1972.

### **Blight Notices**

To accept legally binding Blight Notices served on the Council and conforming with the requirements of Section 150 of the Town and Country Planning Act 1990, requiring the Council to purchase property and land, and to serve Counter Notices where necessary.

### **Interest in Land**

In consultation with the appropriate Director(s) or Head of Service(s) dealing with the matter in respect of which the information is required to serve Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, on persons requiring them to furnish particulars of any interest they may have in land.

### **Commons Registration**

To consider and determine on their legal merits applications for the registration of Common Land and Village Greens brought under the Commons Registration Act 1965 including the appointment of an inspector and the holding of a public inquiry when advised to do so by Counsel.

### **Court Appearances**

Under Section 223 Local Government Act 1972 to prosecute, defend or appear on behalf of the Carmarthenshire County Council in proceedings before the Magistrates' Court

Under Section 60 County Courts Act 1984 to conduct on behalf of the Council actions in the County Court for both of the following:-

- the recovery of possession of houses belonging to the Council;
- the recovery of any rent, mesne profits, damages or other sum claimed by the Council in respect of the occupation by any person of such a house.

### **Local Settlement of Complaints**

To approve draft recommendations contained in Ombudsman reports.

To approve suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman complaints, such payments to be made from the appropriate service budget following consultation with the relevant service director.

### **Children Protection at Work Regulations 1998 (as amended)**

To take all relevant procedural steps in order to invoke any necessary byelaws.

### **Traffic Management Act 2004**

To reconsider matters referred back to the Council by the Parking Adjudication Service

### **Defamation**

Jointly with the Director of Resources, to authorise the institution of legal proceedings arising out of alleged defamatory statements made against the Head of Paid Service,

provided that such action is supported by Counsel's advice.

### **School Appeals Panels**

To appoint members of an independent appeals panel to determine:-

- (a) appeals against the permanent exclusion of a child from school
- (b) appeals against refusal to admit a pupil to a school
- (c) appeals by governing bodies against decisions by or on behalf of the Council to admit to the school a child to whom Section 87(2) of the Schools Standards and Framework Act 1988 applies.

# RESOURCES

The Director of Resources shall have delegated authority for the exercise of all Council powers relating to the following matters:-

## **PROPERTY RELATED ISSUES**

### **Valuations**

The Head of Corporate Property`s certified valuation is accepted for all property transactions subject to Council policy as to whether an individual asset is to be disposed, acquired or leased

### **Acquisitions**

To acquire land for any purpose, subject to the policy of the property requirement being in place and to instruct the Head of Administration and Law to prepare appropriate documentation in relation to any agreement.

Authorised in consultation with the Corporate Management Team and the appropriate Executive Board Member(s) to purchase small areas of derelict land or derelict buildings which have the potential to become saleable assets in the future (or to be used by the council), or where ownership of the land will enable clearance work to be carried out to improve the environment. (In accordance with the terms of reference of the Derelict Land Fund).

### **Notices**

To accept and serve notices required under the Agricultural Holdings or any Landlord and Tenants Acts governing the management of rural and urban estates

### **Legal Agreements**

To complete Wayleave Easement and tenancy agreements, where it falls within a category of transaction agreed with the Head of Administration and Law as being appropriate for signing, rather than execution under the Council's common seal.

### **Planning Applications**

To submit planning applications in respect of land, to assess its development potential prior to sale, or to carry out a development on behalf of the Authority.

### **Appropriation of Land**

To appropriate land for any purpose under the provisions of Section 122 of the Local Government Act 1972, subject to any statutory limitations and to the written agreement of the relevant Director or Head of Service who has responsibility for the land prior to its appropriation.

## **Disposals**

To dispose of land and buildings no longer required for Council functions, save that decisions relating to the disposal of Strategic land and buildings which will have a major effect on the commercial activity of an area shall be reserved to the Executive Board. In both cases there shall be a requirement to consult with local members.

To dispose of freehold reversions of residential dwellings as required.  
To agree reserve / asking prices and the most appropriate method of property marketing / disposal.

To instruct the Head of Administration and Law to prepare appropriate documentation in relation to any agreement.

## **Lettings**

To approve requests for the assignment of leases and the underletting and sub-letting of property where consent for such requests cannot reasonably be withheld and to instruct the Head of Administration & Law to prepare the appropriate documentation in relation to any such consents.

To let property (lettings to include seasonal licenses and concessions), such property to include commercial, industrial and rural estates, livestock and provisions markets, surplus or non-operational property etc. and to sign such letting agreements where it falls within a category of transaction agreed with the Head of Administration and Law as being appropriate for signing, rather than execution under the Council's common seal.

To instruct the Head of Administration and Law to terminate, repossess and recover property and any monies due.

To accept surrender of existing interest and re-grant of longer letting periods at revised terms.

To negotiate and agree appropriate tenant's improvements.

## **Adverse Possession and boundary disputes**

To instruct the Head of Administration and Law to recover possession of trespassed land and to resolve boundary disputes affecting Council owned land and property.

## **Disputes**

To attend Courts, tribunals and alternative dispute resolution hearings to settle property disputes, including statutory land compensation matters.

## **FINANCIAL RELATED SERVICES**

### **Council Tax and Housing Benefit**

To undertake the following:

#### **Local Government Finance Act 1992 (unless indicated otherwise)**

- To collect the Council Tax - Para. 1
- To determine liability to the Tax - Paras. 6,7
- To determine liability of owners - Para. 8(3)
- To determine joint and several liability - Paras. 8,9
- To determine and allow discounts - Para. 11 Schedule 1
- To determine reductions for disabled people - Para. 1
- To consider and respond to notices from aggrieved persons (regarding liability and any calculations) - Para. 16
- To hold the Valuation List on deposit for public inspection and provide information on the contents of past lists - Paras.22,28
- To provide information required by the Listing Officer (Valuation Officer) for the purpose of maintaining the List - Para. 27
- To impose penalties on persons for failure to supply information or to knowingly supply false information. Schedule 3.
- To quash penalties. Schedule 3.
- To require information from individuals and public bodies
- To approve individual Council Tax reduction applications in accordance with approved guidelines.

#### **Council Tax.(Administration and Enforcement Regulations 1992 as amended)**

- To notify persons concerned of the valuation of the relevant property
- To ascertain and determine Exempt Dwellings and to notify the relevant persons
- To serve demand notices.
- To serve reminder notices.
- To serve adjustment notices.
- To collect penalties.
- To apply for a Liability Order.
- To make an Attachment of Earnings Order.
- To make an Attachment of Allowances Order.

#### **Council Tax Valuation & Liability Appeals**

To represent the Council at Local Valuation Tribunal hearings dealing with Council Tax appeals (Section 16 Local Government Finance Act, 1992)

#### **Housing Benefit & Council Tax Benefit**

To undertake all functions relating to the assessment, administration and payment of Housing Benefit and Council Tax Benefit.

## **Housing Benefit & Council Benefit Payments - Discretionary Housing Payments & Irrecoverable Overpayments**

To award Discretionary Housing Payments in respect of Housing Benefit & Council Tax Benefit (The Discretionary Financial Assistance Regulations 2001 - SI.1167 & 2340)

To determine irrecoverable overpayments of Housing Benefit and Council Tax Benefit [Regulation 100, Housing Benefit (General) Regulations 1987 and Regulation 85 of the Council Tax Benefit (General) Regulations 1992 ]

### **Housing Benefit Cheques**

- Authorised signatories in respect of Housing Benefit cheques up to a value of £400.
- Authorised to “open” housing benefit cheques up to £400.

## **Prosecution Proceedings & Fraud Sanctions - Housing Benefit and Council Tax Benefit Fraud**

To instigate prosecution proceedings in relation to Housing Benefits and Council Tax Benefit fraud, in accordance with the authority’s agreed prosecution policy.

To impose formal Cautions or Administrative Penalties in relation to Housing Benefits and Council Tax Benefit fraud

### **Benefit Appeals**

To represent the Council at Appeals Service Benefit Hearings [Housing Benefit and Council Tax Benefit (Decisions & Appeals) Regulations 2001]

## **Fraud Investigations**

To issue Certificates of Authorisation to qualifying officers within the Fraud Investigation Unit, to enable them to become authorised officers, in accordance with Section 109 of the Social Security Administration Act 1992.

## **Non-Domestic Rates & Other Revenues**

To undertake all functions relating to the assessment, administration, collection and recovery of Non-Domestic Rates, and Sundry Debt due to the Authority.

**Mandatory and Discretionary Rate Relief**  
**[Local Government Finance Act 1988 (unless otherwise stated)]**

To:

- Award mandatory rate relief to those businesses that qualify, Sec. 43(5) & 43(6a)
- Award discretionary Rural Rate Relief in accordance with current Council policy. Sec. 47(2a) & (2b) and 47(3a) & (3b)
- Award the appropriate level of discretionary relief to charitable and other non-profit making organisations in accordance with current Council policy
- Grant rate reductions for Partly Occupied Property in accordance with Valuation Officer certificates Sec. 44a,

**Recovery Proceedings at Magistrates' Court**

To represent the Council at proceedings at Magistrates Court for recovery of Council Tax and Non-Domestic Rates (Section 223, Local Government Act, 1972)

To lay a Complaint for Liability Order in respect of unpaid Council Tax, Non-Domestic Rates and residual Community Charges under the following Regulations:

Part VI of Council Tax (Administration and Enforcement) Regulations, 1992.

Part III of Non-Domestic Rating (Collection and Enforcement) Regulations, 1989.

Part IV of Community Charges (Administration and Enforcement) Regulations, 1989.

**Recovery of Commercial Rents**

To instruct bailiffs in the recovery of commercial rents (common law rights)

**Recovery Proceedings at County Court**

To represent the Council at proceedings at County Court for the recovery of Sundry Debts

**Local Government Reorganisation - Dyfed Debts**

To write off pre Local Government Reorganisation Dyfed Debts.

**Irrecoverable Debts**

To write off irrecoverable debts of value less than £1,500.

To write off debts where the debtor is bankrupt, in liquidation or in administrative receivership.

### **Pensions Administration**

In accordance with The Local Government Pension Scheme Regulations 1997 or subsequent amending legislation:

- To collect employee and employer contributions from participating employers
- To make payments in respect of scheme benefits
- To collect and make pension transfer payments as elected by scheme members
- To determine non policy related discretions as an Employing/Administering Pension Authority
- To undertake Stage 1 determinations on disputes arising from the Local Government Pensions Scheme or related legislation.

### **Treasury Management and Banking**

To implement and monitor the Treasury Management Policy and Strategy.

To borrow and invest money in accordance with the Treasury Management Policy and Strategy and with the Investment Strategy.

To change the balance between borrowing and other long term liabilities.

To remove organisations from or lower the investment limits stated on the "Schedule of Approved Organisations for Investment Purposes" in appendix B of the Treasury Management Policy and Strategy where credit ratings change.

To open and close bank and building society accounts for investment purposes, and to enter into a banking contract .

### **Payments made in EUROS**

To evaluate the relative advantage of discounts offered for payments made in EUROS and to make decisions on paying in Sterling or Euros based on such evaluations.

### **Technical and Prudential Indicators**

To enter into finance leases, operating leases, loan agreements and other credit arrangements on behalf of the Authority.

To monitor the Prudential Indicators in an appropriate manner and to recommend revisions to Indicators where appropriate.

### **Capital Receipts**

To switch funding of capital receipts between the Objective 1 schemes and other approved schemes as necessary, in order to fulfil the aspirations of Council.

### **Objective Match 1 Funding**

To amend the Authority's Capital Programme in accordance with available funding.

### **Authorised Signatories**

Authorised signatory for transactions relating to Carmarthenshire County Council

### **Cheque Signatories**

To sign cheques and other financial instruments on behalf of Carmarthenshire County Council

### **Renewal of Insurance Policies**

To negotiate and agree renewal terms with an Insurer, provided that the Agreement does not run longer than the maximum Contract Period (Long Term Agreement) agreed at the commencement of the Policy.

Where there is a proposal to extend outside the maximum length of any Long Term Agreement, the Director of Resources will seek the approval of the Executive Board Member.

### **Insurance Policies and Settlements Policies**

To arrange appropriate insurance cover to minimise the Authority's exposure to losses

### **Liability Claims**

To approve offers of "Out of Court" settlements on Liability Claims on the recommendation of the Authority's Insurers, nominated Liability Claims Handlers or the Solicitors instructed to defend the relevant claim.

### **Property Damage Claims**

To approve settlements of Property Claims as recommended by the Authority's Property Loss Adjustors.

### **Small Claims Procedure**

To settle Personal Property Damage Claims received from members of the public (excluding Members and employees) up to a maximum of £250\* per claim. Claims involving Personal Injury or claims arising from an incident which may give rise to a number of potentially similar claims will be forwarded to the nominated Claims Handlers

- The £250 maximum be subject to an increase in line with RPI.

### **Approval of Indemnity Claims for Members and Officers up to £5000**

In consultation with the Monitoring Officer, to approve indemnity claims that are not covered by the Council's insurance policy, up to a maximum of £5,000.

### **Employment Tribunal Settlements**

To make payments in respect of compromise settlements agreed by the Chief Executive / relevant Directors / Heads of Service in respect of Employment Tribunals.

### **Welsh Church Fund**

Authorised signatory.

### **Coroners' Removal Expenses**

To increase fees in line with inflation.

### **Letters of Administration**

To apply for Letters of Administration on behalf of the Authority.

### **Boarding Out Allowances to Foster Carers**

Following consultation with the Director of Social Care & Housing to review and agree upon the level of annual increases in boarding out allowances to be paid to foster carers.

### **Business Support / Implementation Mechanism**

Following consultation with the Director of Regeneration to consider each application according to agreed criteria

### **Cwm Environmental Limited**

To exercise the functions for which the Council are responsible under the Memorandum and Articles of Association of the Company.

To jointly agree with the Director of Technical Services the authority for CWM Environmental Limited, to annually appoint Auditors and enter into transactions in excess of £25,000.00.

### **Llanelli Joint Venture**

To negotiate any further interim loans pending targeted and contractually committed receipts.

## **Defamation**

Jointly with the Head of Administration and Law, to authorise the institution of legal proceedings arising out of alleged defamatory statements made against the Head of Paid Service, provided that such action is supported by Counsel's advice

# **SOCIAL CARE, HEALTH AND HOUSING**

## **SOCIAL CARE**

The Director of Social Care, Health and Housing\* shall have delegated authority for the exercise of all powers relating to the functions of the County Council as Social Services Authority and under the enactments specified in Schedule 1 to the Local Authority Social Services Act, 1970 (as amended).

The powers of the Director of Social Care, Health and Housing for adults shall include:-

- The assessment of need of individuals, and the Care Management of all people who are eligible for support from public funds, as specified in the NHS and Community Care Act 1990 and the Mental Health Act 1983 as amended and where applicable the Mental Capacity Act 2005
- The assessment of need for Carers in accordance with the Carers (Recognition and Services) Act, 1995, the Carers and Disabled Children Act 2000 and the Carers (Equal Opportunities) Act, 2004.
- Meeting the assessed needs of individuals either through direct provision or by commissioning from the independent Sector or other agencies or bodies in respect of the following:-

Residential Care

Non Residential Services

Occupational Therapy

Provision of Aids and Equipment

Employment Services

Social work Services

Grants to Organisations/Individuals

Adaptations

Community Meals

Transport

Direct Payments

Supported Living

Any other service which is ancillary to the above or which may meet the assessed needs of a service user and which is permissible by statute

- Authority to make arrangements and/or enter into contracts for Social Care services
- Responsibility for the day to day management of premises required by the Council for the delivery of such services
- Authorisation and appointment of Approved Social Workers and Approved Mental Health Professionals for the purposes of the Mental Health Act 1983 as amended
- Approval and payment of grants to organisations

- Collection and recovery of charges for services provided and/or commissioned
- Acting as agent or broker on behalf of another public body or government agency
- Facilitating and managing services on behalf of National Health Service bodies
- planning, training and professional development of Social Services workforce

\*The Director of Social Care, Health and Housing has delegated all his statutory functions relating to children and young people to the Head of Children's Services. The Director of Education and Children's Services has also delegated certain of his statutory functions relating to children and young people to the Head of Children's Services, as further described in this Scheme.

Care of expectant and nursing mothers and young children

The Approval and payment of grants to outside bodies organisations

## **PUBLIC PROTECTION FUNCTIONS**

All the functions of the Council relating to public protection are delegated to the Director of Social Care, Health and Housing and to the Head of Public Protection, including (but not limited to) all the functions listed below.

Authority to the Head of Public Protection to act as a Proper Officer in respect of:-

Food Safety Act 1990;

Local Government Act, 1972 - S's 112, 204, 213, 234 & Sch 25;

Public Health Acts, 1936 – 1961

Licensing Act 2003

## **Hackney Carriage/Private Hire Driver's Licence or Dual Driver's Licence**

To determine uncontested applications submitted for a hackney carriage or private hire driver's licence or dual driver's licence.

## **European Union Regulations**

To enforce the provisions of the following EU Regulations:-

Regulation (EC) No 178/2002

Regulation (EC) No 852/2004

Regulation (EC) No 853/2004

Regulation (EC) No 854/2004

(Made under the Treaty establishing the European Community and a number of EU Directives)

General Food Regulations 2004

(Made under the Food Safety Act, 1990 and the European Communities Act, 1972)

Food Hygiene (Wales) Regulations 2005

(Made under the European Communities Act, 1972)

## **Extent of Delegation**

Where it is considered to be expedient for the promotion or protection of the interests of the inhabitants of the area, the powers contained in Sections 222 of the Local Government Act, 1972, to prosecute or defend legal proceedings and to make representations at any public inquiry, are delegated to the Director of Social Care, Health and Housing, Head of Public Protection and Officers of the Department that use specific delegated authority granted by Council, subject to the agreement of the Head of

Administration and Law.

**Works in Default**

To initiate and make arrangements for the execution of works in default.

**General Authorisation to Enforce Acts and Regulations or Orders Made Under the Acts**

Authority to the Director and to the Head of Public Protection to exercise all powers and duties (to include any enforcement powers and any decisions relating to the appointment of inspectors) relating to any of the following Statutes:-

Abandonment of Animals Act 1960  
Accommodation Agencies Act 1953  
Administration of Justice Acts 1970 & 1985  
Agriculture Act 1970  
Agricultural (Miscellaneous Provisions) Act 1968  
Agricultural Produce (Grading and Marking) Acts 1928 & 1931  
Aids Control Act 1987  
Animals Act 1971  
Animal Boarding Establishment Act 1963  
Animal Health Act 1981  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003

Breeding of Dogs Acts 1973 & 1991  
Breeding and Sale of Dogs (Welfare) Act 1999  
Broadcasting Act 1990  
Building Act 1984  
Business Names Act 1985

Cancer Act 1939  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act 1960  
Celluloid and Cinematograph Film Act 1922  
Children and Young Persons Act 1933  
Children and Young Persons (Protection from Tobacco) Act 1991  
Cinemas Act 1985  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 1985  
Consumer Arbitration Agreement Act 1988  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Copyright, Designs and Patents Act 1988  
Copyright etc. and Trade Mark Offences and Enforcement Act 2002

Criminal Attempts Act 1981  
Criminal Justice Acts 1982  
Criminal Justice Act 1988  
Criminal Justice and Police Act 2001  
Criminal Justice and Public Order Act 1994  
Criminal Law Act 1977 Dangerous Dogs Act 1989 & 1991

Dangerous Dogs Act 1991  
Dangerous Dogs (Amendment Act) 1997  
Dangerous Wild Animals Act 1976  
Data Protection Act 1984  
Defective Premises Act 1972  
Development of Tourism Act 1969  
Dogs Act 1906 and the Dogs (Amendment) Act 1928

Education Reform Act 1988  
Energy Act 1976  
Energy Conservation Act 1981  
Enterprise Act 2002  
Environment Act 1995  
Environment and Safety Information Act 1988  
Environmental Protection Act 1990  
Estate Agents Act 1979  
European Communities Act 1972 and any Regulations made thereunder  
Explosives Act-1923  
Explosives (Age of Purchase) Act 1976

Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Forgery and Counterfeiting Act 1981  
Food and Environmental Protection Act 1985  
Food Safety Act 1990  
Fraud Act 2006

Game Act 1831  
Gambling Act 2005  
Guard Dogs Act 1975

Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work etc. Act 1974  
Highways Act 1980  
Home Safety Act 1961  
House to House Collections Act 1939  
Hypnotism Act 1952

Insurance Brokers (Registration) Act 1977

Knives Act 1997

Land Compensation Act 1973  
Landlord and Tenant Act 1985  
Local Government Act 1972  
Local Government Planning and Land Act 1980  
Local Government and Housing Acts 1984 & 1989  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government (Miscellaneous Provisions) Act 2003  
Licensing Act 2003

Malicious Communications Act 1988  
Medicines Act 1968  
Mines and Quarries Act 1954  
Misrepresentation Act 1967  
Mobile Homes Act 1983  
Mock Auctions Act 1961  
Motorcycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991

National Lottery Act 1993  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Nurses Agencies Act 1957

Olympic Symbol etc. (Protection) Act 1995

Patents, Designs and Marks Act 1986  
Performing Animals (Regulation) Act 1925  
Pesticides (Fees and Enforcement) Act 1989  
Pet Animals Act 1951  
Petroleum (Consolidation) Act 1928  
Petroleum (Transfer of Licence) Act 1936  
Planning and Hazardous Substances Act 1990  
Poisons Act 1972  
Police and Criminal Evidence Act 1984  
Police, Factories etc. (Miscellaneous Provisions) Act 1916  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974 & 1975  
Property Misdescriptions Act 1991  
Protection from Eviction Act 1977  
Protection of Animals Act 1911  
Protection of Children (Tobacco) Act 1986  
Public Health Acts 1936 & 1961  
Public Health (Control of Disease) Act 1984

Radioactive Substances Act 1993  
Refuse Disposal (Amenity) Act 1978  
Rehabilitation of Offenders Act 1974  
Rent Acts 1957 – 1977

Regulation of Investigatory Powers Act 2000  
Riding Establishments Acts 1964 & 1970  
Road Traffic Acts 1988 & 1991  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Offenders Act 1988

Safety of Sports Grounds Act 1975  
Sale of Goods Act 1979  
Scotch Whisky Act 1988  
Scrap Metal Dealers Act 1964  
Solicitors Act 1974  
Sunday Trading Act 1994  
Supply of Goods Act 1979  
Supply of Goods and Services Act 1982

Telecommunications Act 1984  
Theft Acts 1968 & 1978  
Timeshare Act 1992  
Torts (Interference with Goods) Act 1977  
Town Police Clauses Act 1847 & 1889  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Representations (Disabled Persons) Acts 1958 & 1972  
Trading Scheme Act 1991  
Trading Stamps Act 1964

Unfair Contract Terms Act 1977  
Unsolicited Goods and Services Acts 1971 & 1975

Vehicle Crime Act 2001  
Video Recordings Act 1984  
Video Recordings Act 1993  
Violent Crime Reduction Act 2006  
Water Industry Act 1991  
Water Resources Act 1991  
Weights and Measures Acts 1976 & 1985

Zoo Licensing Act 1981

### **Specific Delegated Powers**

The following Statutes contain the specific delegated powers required to enable the Public Protection function to operate effectively and efficiently. Each Statute and the relevant power has been identified and described on each page, so that the document can be consulted or revised with ease:

## **The Advanced Television Services Regulations 1996**

That delegated authority be granted to the officers to enforce The Advanced Television Services Regulations:-

Regulation 16 and Schedule 2 Paragraph 3(i) Power to test/purchase

Regulation 16 and Schedule 2 Paragraph 4 Power of search including inspection, seizure and detention

Regulation 16 and Schedule 2 Paragraph 7 Power to apply to the Courts for forfeiture of seized goods

That the following officers be authorised for the purposes of the Advanced Television Services Regulations 1996:-

### **Animal Health Act 1981**

S.52 To act as an Inspector for the purposes of execution and enforcement of the Act

S.60 To apprehend a person without warrant for obstruction, impeding or assisting in obstruction or impeding an officer in the execution of the Act.

S.63 To use powers of entry as authorised officers of the Council under the provisions of the Act.

S.64 To use powers of entry as authorised officers of the Council in relation to protecting poultry from unnecessary suffering, under the provisions of the Act.

### **Animal Welfare Act 2006**

S. 51 To appoint a person as an inspector for the purposes of this Act.

### **Animals, Meat etc. (Examination for Residues etc.) Regulations 1991**

To act in matters arising under the Animals, Meat etc. (Examination for Residues etc.) Regulations 1991.

### **The Bovines and Bovine Products (Despatch Prohibition and Production Restriction) Regulations 1997**

To appoint Inspectors in relation to the enforcement responsibilities under the above regulations.

### **Anti-Social Behaviour Act 2003**

The Chief Executive delegates the following powers to the Director of Social Care, Health and Housing and the Head of Public Protection:-

- S. 40 - Closure of noisy premises
- S. 41 - Closure of noisy premises: supplemental

### **Breeding of Dogs Act 1973**

- S1 To Issue a Licence in respect of a breeding establishment for dogs.
- S2 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

### **Breeding of Dogs Act 1991**

- S1 To apply to a Justice of the Peace for a warrant to enter premises for inspection for the purposes of the Act.

### **Building Act 1984**

- S.59 Issue of Notice in respect of unsatisfactory drainage of premises.
- S.60 Issue of Notice in respect of the improper use of rainwater pipes for ventilation of soil pipes.
- S64 Issue of Notice in respect of disrepair or insufficient provision of water closets in buildings.
- S.65 Issue of Notice in respect of insufficient provision of water closets in workplaces.
- S. 95 To appoint officers authorised to use powers of entry under the provisions of the Act.
- S. 76 Issue of Notice in respect of Defective Premises
- S. 79 Issue of Notice in respect of Ruinous and dilapidated buildings and neglected sites.
- S. 81 Issue of Notice to persons undertaking demolition works
- S. 107 To recover expenses incurred by Authority

### **Caravan Sites and Control of Development Act 1960**

- S. 3 To issue Site Licences with respect to caravan sites
- S. 8 To alter conditions attached to a Caravan Site Licence
- S. 10 To transfer Caravan Site Licences, and transmission of the Licence on death
- S. 26 To appoint officers authorised to use powers of entry under the provisions of the Act.

### **Children and Young Persons (Protection from Tobacco) Act 1979**

5(1) (a) To use powers to develop an enforcement programme under the provisions of section 7(1) of the Children and Young Persons Act 1933 and under sections 3 & 4 of the Act.

5(1) (b) To enforce programmes under the provisions of the Act.

### **Clean Air Act 1993**

S.12 To require information about furnaces and fuel consumed

S.36 Issue of Notice in respect of obtaining information about air pollution.

S. 56 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

S. 58 Issue of Notice in respect of obtaining information.

### **Clean Neighbourhoods and Environment Act 2005**

S.77 – To appoint officers authorised to exercise powers of entry under the Act.

S.78 – To apply for a Warrant to enter premises.

### **Control of Pollution Act 1974**

S. 60 To serve a Notice under Section 60 of the Control of Pollution Act 1974.

### **Consumer Credit Act 1974**

S. 162 Appoint officers authorised to use powers of entry for the purposes of inspection under the provisions of the Act

S. 164 To test purchase goods, services, facilities and other transactions.

### **Consumer Protection Act 1987**

S. 14 Issue of Suspension Notice.

S. 16 Application to Justices for forfeiture

S. 28 To test purchase goods, services, accommodation or facilities.

S. 29 To appoint officers authorised to use powers of search under the provisions of the

Act

S. 30 To seek Justices warrant to enter premises.

### **Copyright Designs and Patents Act 1988**

S. 27 To make test purchases

S. 28 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

S. 107A To enforce Section 107 in relation to infringing copies.

198A(1) To enforce Section 198 in respect of illicit recordings.

58A To enforce the provisions of the Act.

### **Courts and Legal Services Act 1990**

S.107 To enforce the provisions of the Act and to appoint officers authorised to use powers of entry under the provisions of the Act.

### **Dangerous Dogs Act 1991**

S. 5 To appoint officers authorised to use powers of entry and powers of seizure in respect of dangerous dogs

### **Dangerous Wild Animals Act 1976**

S1 To Issue of a Licence in respect of dangerous wild animals.

S. 3 To appoint officers authorised to use powers of entry and inspection as authorised officers of the Council under the provisions of the Act.

S.4 To use powers of seizure and disposal of animals under the provisions of the Act

### **Development of Tourism Act 1969**

Statutory Instrument – Tourism ( Sleeping Accommodation Price Display) Order 1969

Regulation 5 To appoint officers to use powers of entry and inspection as authorised officers of the Council, in its capacity as a Weights and Measures Authority

### **Education Reform Act 1988**

Section 215 To appoint officers authorised to use powers of entry, to search premises, to require the production of documents and to make copies and seize anything required as evidence relating to the enforcement of section 214 of the Act.

### **Energy Act 1976**

S.18 Schedule 2 Paragraphs 2 & 3

To appoint officers authorised to use powers of entry and to examine documents under the provisions of the Act.

### **Energy Conservation Act 1981**

S. 20 To appoint officers authorised to use powers of entry as authorised officers under the provisions of the Act

### **Environment Act 1995**

S. 108 To appoint officers authorised to use powers of entry, inspection, examination, measurement, photography, to take records, samples and to request information, under the provisions of the Act.

S. 109 To use powers of seizure of any article or substance and to render it harmless.

### **Environmental Protection Act 1990**

S. 6 Issue of an Authorisation for a prescribed process.

S. 10 Issue of a Variation Notice in respect of a prescribed process

S. 11 Issue of a Variation in respect of a prescribed process.

S.12 Revocation of Authorisation for prescribed processes

S. 13 Issue of an Enforcement Notice in respect of a prescribed process.

S. 14 Issue of a Prohibition Notice in respect of a prescribed process.

S. 19 Issue of Notice in respect of obtaining information from persons

S.59 – To require removal of controlled waste.

S.71 – To obtain information from persons or authorities in relation to Section 59.

S.78E-To require remediation of contaminated land etc.

S. 80 Issue of an Abatement Notice in respect of a statutory nuisance

80A\* Issue of an Abatement Notice in respect of a statutory noise notice nuisance emitted from or caused by a vehicle, machinery or equipment in a street.

81A Issue of Notice in respect of expenses recoverable from the owner of premises as a result of action taken under the provision of the Act.

S.88 – To issue fixed penalty Notices and appoint officers authorised to exercise powers under the Act.

S.92A – To issue litter clearing notices

S. 149 To Appoint Officers to deal with the discharge of powers relating to the seizure of stray dogs.

Schedule 3 To appoint officers authorised to use powers of entry under the provisions of the Act

### **Estate Agents Act 1979**

Section 11 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

### **Estate Agents (Accounts) Regulations 1981**

Regulation 8 To use powers for the demand of an Auditor's report relating to clients' accounts.

### **European Communities Act 1972**

Construction Products Regulations 1991

Regulation 10 Issue of Suspension Notice in respect of construction products

R. 12 To seek forfeiture of construction products.

R16 To make test purchases under the provisions of the Regulations.

### **Manufacture and Storage of Explosives Regulations 2005**

To grant and vary registrations and licences for the storage of explosives and make any necessary arrangements for the administration of the registration and licensing system.

To refuse applications and to revoke or modify registrations or licences of premises.

### **Eggs (Marketing Standards) Regulations 1995**

Reg 4. To enforce the provisions of the Regulations and to appoint officers authorised to use powers of entry.

### **Electromagnetic Compatibility Regulations 1995**

Reg 73 To enforce the provisions of the Regulations.

### **Electromagnetic Compatibility Regulations 1995**

R. 74 To make test purchases

R. 75 To appoint officers authorised to use powers of entry and search.

R. 76 To seek Justices Warrant.

### **Medical Devices Regulations 1994**

R. 19 To enforce the provisions of the Regulations and to issue Notice in respect of devices bearing an incorrectly applied EC marking.

### **Package Travel, Package Holidays and Package Tours Regulations 1992**

R 23 Paragraphs 3 & 4(1) of Schedule 3

To appoint officers authorised to use powers of entry and to require the presentation of or the seizure or detention of books and documents.

Paragraph 4(2) of Schedule 3 To seek a Justices Warrant.

### **Personal Protective Equipment (EC Directive) Regulations 1992**

R. 3 To enforce the provisions of the Regulations.

### **Common Agricultural Policy (Wine) Regulations 1955**

R7 To enforce the provisions of the Regulations

8(1) To prohibit movement.

### **The Aerosol Dispensers (EEC Requirements) Regulations 1997**

R. 5 To enforce the provisions of the Regulations.

R.10 To institute legal proceedings.

### **The Energy Information (Refrigerators and Freezers) Regulations 1994**

R. 14 - To enforce the provisions of the Regulations

Schedule 6 Paragraph 6 To issue Notice of remedial action.

R.9 To require information.

R. 10 To make test purchases.

R.11 To appoint officers authorised to use powers of entry and search and seek a Justices Warrant.

### **Fair Trading Act 1973**

S. 28 To test purchase goods and services.

S. 29 To appoint officers authorised to use powers of entry for the purposes of inspection and the seizure of goods and documents under the provisions of the Act

### **Food and Environment Protection Act 1985**

Section 19(1)(c) To act as an authorised officer of the Council under the provisions of the Act

For the purposes of the Control of Pesticides Regulations 1986, to appoint officers authorised to use powers of entry to premises, vehicles, vessels, aircraft, hovercraft and marine structures, to require information, to issue Notices in respect of offences and to require remedial action or where a risk of committing an offence exists, to prohibit activities.

### **Food Safety Act 1990**

S. 5 To act as an authorised officer of the food authority, to act generally or specially in matters arising under the Act and in relation to S. 32 in particular.

S. 6(6) To act as an authorised officer of an enforcement authority

S. 9(1) To appoint officers authorised to inspect food intended for human consumption.

S. 9(3) Issue of Notice in respect of food not to be used for human consumption and seizure of food in order to have it dealt with by a Justice of the Peace

S. 11 Issue of a Certificate stating that the food authority is satisfied that a health risk condition no longer exists at a food business.

S. 29 Authorisation for the procurement of samples of food.

S. 30 Authorisation for food samples to be analysed.

S. 32 To appoint officers authorised to use powers of entry under the provisions of the Act.

S. 42 To act as Proper Officer for the purposes of the Act.

### **Game Act 1831**

S. 18 Issue of a Licence in respect of dealing in game.

### **Guard Dogs Act 1975**

S. 3 Issue of a Licence in respect of the keeping of guard dog kennels.

### **Hallmarking Act 1993**

S. 9 To enforce the provisions of the Act.

### **Health and Safety at Work etc. Act 1974**

S. 19 To appoint Inspectors for implementing the relevant statutory provisions.

S. 20 - Powers of Inspectors to carry out their statutory duties

S. 21 To Issue an Improvement Notice in respect of an infraction of any of the relevant statutory provisions.

S. 22 To issue a Prohibition Notice to avert the risk of serious personal injury.

S. 25 To deal with causes of imminent danger

S. 26 Indemnification of Inspectors

S.39 Prosecution by an Inspector before a Magistrates Court for an offence under any of the relevant statutory provisions.

### **Health Act, 2006 - Smoke-free premises etc. (Wales) Regulations 2006**

To authorise officers to enforce the provisions of the Regulations

### **Local Government and Housing Act 1989**

S. 20 Issue of Notice for the provision of sanitary appliances in places of public entertainment and other premises.

To appoint officers authorised to exercise powers of entry under the provisions of the Act.

S. 33 To make arrangements for the restoration or continuation of supply of water, gas or electricity to an occupied dwelling.

S. 35 To Issue a Notice in respect of obstructed private sewer.

### **Local Government (Miscellaneous Provisions) Act 1976**

S.33 To Restore the supply of water, gas or electricity

S.35 to Issue a Notice in respect of obstructed private sewer

### **Local Government (Miscellaneous Provisions) Act 1982**

S. 29 Issue of Notice to protect buildings against unauthorised entry or those that are likely to become a danger to public health.

Authorisation to use powers of entry as authorised officers of the Council in relation to the protection of buildings against unauthorised entry etc

Paragraph 14 Authorisation to use powers of entry as authorised officers of the Council under the provisions of the Act

### **Medicines Act 1968**

S. 108 To discharge the Council's functions as a Drugs Authority in respect of the control of medicinal products at non pharmaceutical premises under the provisions of sections 53 & 54, the control of animal medicated feeding stuffs under the provisions of sections 62(1)(b) & 90 of the Act

S. 111 To appoint officers authorised to use powers of entry in respect of premises, ships, aircraft or hover vehicles under the provisions of the Act.

S. 112 To appoint officers authorised to inspect, take samples, seize goods and documents under the provisions of the Act.

### **Motor Cycle Noise Act 1984**

S. 1 To enforce the provisions of the Act.

### **Motor Salvage Operators' Regulations 2002**

To operate the Motor Salvage Operators' Registration Scheme, including authority to register non-contentious applications.

### **Noise and Statutory Nuisance Act 1993**

S. 2 To Issue Consents for the operation of loudspeakers in streets or roads

S. 3 Paragraphs 6 & 7 To appoint officers authorised to use powers of entry under the provisions of the Act

### **Animal Meat Products (Examination for Residues and Minimum Residue Limits) Regulations 1991**

Regulation 20 To inspect medicine records on farms.

### **Materials and Articles in Contact with Food Regulations 1987**

Regulation 12 To enforce the provisions of the Regulations and to appoint officers authorised to use powers of entry

### **Performing Animals (Regulation) Act 1925**

S.1 To issue Certificates of Registration in respect of the exhibiting or training of performing animals.

S.2 To appoint officers authorised to use powers of entry under the provisions of the Act

### **Pet Animals Act 1951**

S.1 To issue a Licence in respect of the keeping of a pet shop.

S.4. To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

### **Petroleum (Consolidation) Act 1928**

S.1 To issue a Licence in respect of the keeping of petroleum spirit.

S.17 To use powers of purchase of samples of petroleum for the purpose of testing.

S.18 To make an application to a Court of Summary Jurisdiction for a warrant to search for petroleum spirit.

### **Poisons Act 1972**

S.9 To act as an Inspector for the purposes of the Act and to appoint officers authorised to use powers of entry under the provisions of the Act.

### **Pollution Prevention and Control Act 1999**

### **The Pollution Prevention and Control (England and Wales) Regulations 2000**

Reg. 10 – Issuing of a permit

Reg. 17 – Variation of conditions of permit

Reg. 18 – Transfer of permits

Reg. 21 – Revocation of permits

Reg. 24 – Enforcement Notice

Reg. 25 – Suspension Notice

Reg. 26 – Power of regulator to prevent or remedy pollution

Reg. 28 - Information

### **Prevention of Damage by Pests Act 1949**

S.4 To issue a Notice in respect of the destruction of rats and mice or the keeping of land free from rats and mice.

S.6 To exercise powers in relation to groups of premises

S.22 To appoint officers authorised to use powers of entry under the provisions of the Act

### **Proper Officer for Medical Advice**

Authority to appoint a Proper Officer for medical advice. The Proper Officer shall have the following delegated powers:-

National Assistance Act 1948 - Section 47 BMc

National Assistance (Amendment) Act 1951 - Section 1 BMc

Public Health (Control of Disease) Act 1984 - Sections 21, 22, 24, 26, 28-32, 35-38, 40-43, 48 and 51

Public Health (Infectious Diseases) Regulations 1988

### **Prices Acts 1974 & 1975**

Schedule 1 Paragraph 7 To test purchase goods.

Schedule 1 Paragraph 9 To appoint officers authorised to use powers of entry for the purposes of inspection and the seizure of goods and documents under the provisions of the Act

### **Property Misdemeanors Act 1991**

Section 3 and Schedule 1 Paragraphs 3 & 4(1) To appoint officers authorised to use powers of entry for the purposes of the inspection of goods and the seizure of documents under the provisions of the Act.

### **Public Health Act 1936**

S. 45 Issue of Notice in respect of buildings having defective closets capable of repair.

S. 50 Issue of Notice in respect of overflowing and leaking cesspools

S.78 – removal of waste from any courtyard, or passage which is used in common by occupants of two or more buildings

S. 83 Issue of Notice in respect of the cleansing of filthy or verminous premises

S. 140 Application to Court of Summary Jurisdiction to close or restrict use of water from a polluted source of supply

S. 269 Issue of a Licence in respect of the control of moveable dwellings.

S. 284 Authorisation for the authentication of documents.

To appoint officers authorised to use powers of entry under the provisions of the Act

### **Public Health Act 1961**

S. 17\* Issue of Notice in respect of the repair of drains and to remedy stopped up drains.

S. 34 Issue of Notice in respect of the removal of accumulations of rubbish

S. 73 Issue of Notice in respect of action to prevent danger from derelict petrol tanks.

### **Public Health (Control of Disease) Act 1984**

S. 18 Proper Officer for the purpose of this section of the Act, for the requisition and receipt of information to be furnished by an occupier of premises in the case of notifiable disease or food poisoning.

S. 20 Proper Officer for the purposes of this section of the Act, for the issue of Notice requiring a person to discontinue work to prevent spread of disease to which S. 28 of the Food Act 1984 applies.

S.23 Proper Officer for the purposes of this section of the Act, for the issue of Notice excluding children from places of entertainment or assembly to prevent spread of disease.

S.61 Authorisation to use powers of entry as authorised officers of the Council under the provisions of the Act.

### **Refuse Disposal (Amenity) Act 1978**

S. 6 Issue of Notice in respect of the removal and disposal of other refuse.

S.8 To appoint officers authorised to use powers of entry under the provisions of the Act.

### **Riding Establishments Act 1964**

S.1\* Issue of a Licence in respect of riding establishments

S. 2 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

### **Road Traffic Act 1988**

S.70 To use powers to prohibit the use of an overloaded vehicle under the provisions of the Act.

S.78 To weigh vehicles on behalf of the Highway Authority

### **Road Traffic Act 1991**

S.47 To determine whether a person is fit and proper to hold a hackney carriage or private hire vehicle drivers licence and to submit an application to the chief officer of police for his observations.

### **Road Traffic (Foreign Vehicles) Act 1972**

S.1 To use powers to prohibit the use of an overloaded vehicle under the provisions of the Act.

S. 2 To make an UK exemption order or to remove a prohibition notice

### **Scrap Metal Dealers Act 1964**

S. 6 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

### **Sheep Scab Order 1997**

To act on behalf of the Local Authority under the provisions of the above order.

### **Solicitors Act 1974**

S. 22 To appoint officers authorised to use powers of entry under the provisions of the Act.

### **Telecommunications Act 1984**

S. 30 To enforce the provisions of sections 28 & 29 of the Act.

### **Timeshare Act 1992**

Section 10 and Schedule 1 Paragraph 3

To appoint officers authorised to require the production of books and documents and to use powers for the seizure of books and documents under the provisions of the Act.

### **Trade Descriptions Act 1968**

S.27 To test purchase goods, services, accommodation or facilities.

S.28 To appoint officers authorised to use powers of entry for the purposes of inspection and the seizure of goods and documents under the provisions of the Act.

### **Trade Marks Act 1994**

S.27 To make test purchases

S.28 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act.

S. 93 To enforce the provisions of section 92 of the Act.

### **Video Recordings Act 1984**

16A To enforce the provisions of the Act within the County of Carmarthenshire and limited offences outside the County with the consent of another Authority.

S. 27 To make test purchases.

S. 28 To appoint officers authorised to use powers of entry and inspection under the provisions of the Act

### **Water Industry Act 1991**

S. 79 to require a water undertaker to provide a supply of water to premises where supplies are insufficient or unwholesome

S. 80 to appoint officers authorised to use powers of entry under the provisions of S. 72 of the Act.

S. 80 To issue a Notice in respect of improvements to a private water supply

S.85 To issue a Notice in respect of obtaining information for the purposes of Chapter III of the Act.

Schedule 6 Paragraphs 1, 2, 3,6,7,8 & 9 to appoint officers authorised to use powers of entry under the provisions of the Act.

### **Weights and Measures Act 1985**

Section 42 To make purchases of goods for the purposes of Parts II, III & IV of the Act.

S. 52 To enforce Part V of the Act.

S.53 and Schedule 8 paragraph 6(1) To make test purchases for the purposes of Part V of the Act.

S.72(1) Authorisation to act and appointment as Chief Inspector of Weights and Measures.

Authorisation to act as Inspectors for the purposes of the Act.

**Zoo Licensing Act 1981**

S.4 Issue of a licence in respect of zoos.

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## **HOUSING FUNCTIONS**

All the functions of the Council acting as a Housing Authority are delegated to the Director of Social Care, Health and Housing and to the Head of Housing, to include the allocation of Council properties and also (but not limited to) the functions specified below.

### **General Authorisation to Enforce Acts and Regulations or Orders Made Under the Acts**

To exercise all powers and duties (to include any enforcement powers and any decisions relating to the appointment of inspectors) relating to any of the following Statutes:-

Building Act 1984  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act 1960  
Criminal Justice and Public Order Act 1994  
Environmental Protection Act 1990  
Housing Act 1985  
Housing Act 1988  
Housing Act 1996  
Housing Act 2004  
Housing Grants, Construction and Regeneration Act 1996  
Land Compensation Act 1973  
Local Government and Housing Act 1989  
Local Government (Miscellaneous Provisions) Act 1976 & 1982  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government (Miscellaneous Provisions) Act 2003  
Prevention of Damage by Pests Act 1949  
Protection from Eviction Act 1977  
Public Health Acts 1936 & 1961  
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

### **Specific Delegated Powers**

The following Statutes contain specific delegated powers required to enable the Housing function to operate effectively and efficiently. Each Statute and the relevant power has been identified and described on each page, so that the document can be consulted or revised with ease:

### **Caravan Sites and Control of Development Act 1960**

S. 5 to attach conditions to a caravan site licence

### **Crime and Disorder Act 1998**

To initiate action against tenants in respect of anti-social behaviour.

## **Criminal Justice and Public Order Act 1994**

S. 77 to Issue Directions to unauthorised campers to leave land

S. 78 To make complaint to a Magistrates Court for an Order for the removal of persons and their vehicles unlawfully present on land.

Proposed group repair programme for 2000/01 for the Inner Ammanford, Garnant, Brynaman and South Llanelli Renewal Areas.

Granted delegated authority, in consultation with the Cabinet Member to alter sequencing of the schemes to ensure maximum use of resources.

To act in resolving, controlling and managing trespass by travellers.

## **Traveller Management Arrangements**

To let and terminate licences on Pen-y-Bryn Residential Caravan Site.

## **Housing Act 1985**

79 - To grant secure tenancies and licenses of dwelling houses and to grant non-secure tenancies and licenses in the circumstances set out in Schedule 1 of the Act.

82 – To issue possession proceedings against secure tenants.

82A – To issue proceedings to demote a secure tenancy.

83 - To serve Notices Seeking Possession on secure tenants.

85 – To apply to the County Court for an order staying or suspending the execution of a possession order, to postpone the date for possession, or to amend or set aside a possession order. To attend court to make representations in respect of orders sought by tenants and tolerated trespassers under section 85.

89 – To select a successor where two or more members of a tenant's family are entitled to succeed to a secure tenancy.

92 – To grant or withhold consent to secure tenants wishing to mutually exchange and to serve notice where consent is being withheld.

94 - To grant or withhold consent to secure tenants wishing to sublet or otherwise part with possession of a dwelling house.

96 – To take all steps necessary to comply with regulations made pursuant to section 96(1) of the Act, including the issue a repair notices and payment of compensation in respect of qualifying repairs.

97 - To grant or withhold consent to secure tenants wishing to make improvements to their dwellings, and to give consent subject to conditions imposed in accordance with

section 99 of the Act.

99A – Power to compensate for improvements.

100 – Power to reimburse the cost of tenant’s improvements.

102 – Power to vary the terms of Introductory and secure tenancies.

103 – To issue a Preliminary Notice and Notice of Variation of a periodic tenancy.

104 – To publish information about the Council’s secure tenancies.

105 – To consult with tenants on matter of Housing Management.

106 - To publish information about housing allocation.

121A – To apply to the Court for an order suspending the Right to Buy because of anti-social behaviour.

121AA & 121B– To prepare and provide information to tenants to help them to decide whether to exercise the right to buy.

124 – To determine applications under the legislation and serve notice admitting or denying the Right to Buy.

125 – To serve Notice of the purchase price and other matters

125E – To serve a notice in default, to extend the period for compliance with the said notice.

128 – Powers to require the value of a property to be re-determined by the District Valuer and to serve the required notices as appropriate.

138 – To instruct the Council’s Head of Administration and Law to convey the Freehold or Grant leases in pursuance of the Right to Buy legislation

Schedule 5 – To serve Demolition Notices

138C – To compensate secure tenants where a demolition notice is served.

140 – Power to Serve a landlord’s First Notice to Complete

141 – Power to Serve a landlord’s Second Notice to Complete

155A – To demand repayment of such sum as is considered appropriate up to and including the maximum amount specified in the legislation, on the first “Relevant Disposal” (other than an exempt disposal) of a property.

156 – Power to give Consent for a charge in respect of monies advanced to a purchaser and falling within section 156(2A) of the Act to take priority over the Council’s own legal

charge under section 156(1) of the Act.

156A – To exercise the Council’s rights or first refusal and nomination.

157 - To grant or withhold consent to the disposals of dwellings in National Parks and other designated areas falling within this section of the Act, and to enforce covenants restricting the sales of properties in such areas.

S. 189\* To Issue of a Notice in respect of an unfit house. (\*Amended by Sch. 9, para 1, Housing Act 1988 & Sch. 9, para 1, Local Government and Housing Act 1989)

S. 190\* To Issue of a Notice in respect of a house in a state of disrepair but not unfit. (\*Amended by Sch. 15, para 2 Housing Act 1988 & Sch. 9, para 2, Local Government and Housing Act 1989)

S.197 Authorisation to appoint authorised officers to use powers of entry as authorised officers of the Council under the provisions of Part VI of the Act.

S. 264 Power to make a Closing Order

S. 265 Power to make a Demolition Order

S. 270 Demolition Orders : to Recovery of possession of a building

S.273 Demolition Orders : to Clearing a building before demolition

S.274 Demolition Orders : Power to permit reconstruction of a condemned house

S. 279 Closing Orders : to Substitution of a Demolition Order with a closing order

Authorisation to acquire land for clearance

S.289 Declaration of Clearance Area

S.289\* Issue of Notice in respect of the Council’s intent to include a building in a clearance area. (\*Amended by Sch. 9, para 25 Local Government and Housing Act 1989)

S. 297 Authorisation to remove or alter apparatus of statutory undertaking in connection with a Clearance Area

S.300 Authorisation to purchase houses liable to be demolished or cleared, to be used for temporary accommodation

S.319 Powers of Entry

S. 319 Authorisation to use powers of entry as authorised officers of the Council under the provisions of Part IX of the Act.

S.335 Power to require information about persons sleeping in dwelling

S.336 Power to require production of rent book

- S.337 Power of entry to determine permitted number of persons
- S.338 Issue of Notice to abate overcrowding
- S.340 Powers of Entry
- S.346 Registration Schemes
- S.350 Power to require information for the purpose of a Registration Scheme
- S.350 Authorisation to introduce Registration Schemes for houses in multiple occupation.
  
- S. 352 Issue of Notice in respect of the execution of works to render premises fit for the number of occupants.
- S.352 Power to require execution of works to render premises fit for number of occupants
- S.352A Recovery of expenses of Notice under Section 352
- S. 354 Issue of Notice limiting the number of occupants of a house
- S. 354 Power to require information about occupation of house
- S.356 Power to require information about occupation of house
- S. 356 Issue of Notice requiring information about occupation of house.
- S.357 Revocation or variation of direction under Section 354
- S.358 Issue of Notice in respect of overcrowding in a house in multiple occupation.
- S.363 Revocation and variation of Overcrowding Notice
- S. 364 Power to require information where Overcrowding Notice is in force
- S. 366 Issue of Notice in respect of means of escape from fire in a house in multiple occupation.
- S.368 Means of Escape from Fire. Power to secure part of house not used for human habitation
- S.372 Power to require execution of works to remedy neglect of management
- S.372\* Issue of Notice in respect of the management of a house in multiple occupation. (\*Amended by Sch. 9, para 50, Local Government and Housing Act 1989)
- S.375 Authorisation for carrying out of works by Local Housing Authority regarding the

non-compliance of a Notice under Section 352 or 372

S.377A Works Notices: Improvement of enforcement procedures. Authorisation to give written notice of intention to serve Works Notices prior to the service of a Notice under Section 352 or a Notice under Section 372

S.379 Making of a Control Order

S. 379 Issue of Notice in respect of a control order for a house in multiple occupation.

S. 380 Authorisation to rectify Control Order where proprietor resides in part of the house

S.386 Authorisation to prepare management scheme subject to Control Order

S.388 Authorisation to supply furniture and fittings to a house subject to a Control Order

S.392 Authorisation to revoke a Control Order

S. 395 Authorisation to use powers of entry as authorised officers of the Council under the provisions of Part XI of the Act.

S. 395 Authorisation to use powers of entry as Authorised Officers of the Council

S.397 Authorisation to apply for a warrant to authorise entry (if required)

Schedule 10 Demand for Recovery of Expenses incurred by Local Housing Authority

### **Housing Act 1996**

124 – To grant Introductory Tenancies or Licenses of dwelling houses pursuant to the Councils election to operate an introductory tenancy regime.

125A – To Serve a Notice of Extension and to extend an Introductory Tenancy or license for a further 6 months, in accordance with the relevant procedures in the Act.

127 – To issue Possession Proceedings to end an Introductory Tenancy.

128 – To Issue a Notice of Proceedings.

129 – To review decisions to seek possession of a dwelling house, where possession is being sought on the basis of rent arrears.

133 - To select a successor where two or more members of a tenant's family are entitled to succeed to an Introductory Tenancy.

136 – To publish information about the Council's Introductory Tenancies.

137 – To consult with tenants on matter of Housing Management.

143D - To issue Possession Proceedings to end a Demoted Tenancy.

143E – To serve Notice of Proceedings for Possession of a Dwelling held under a Demoted Tenancy

143F To review a decision to seek possession of a dwelling, where possession is being sought on the basis of rent arrears.

143H - To select a successor where two or more members of a tenant's family are entitled to succeed to a Demoted Tenancy

143M – To publish Information about the Demoted Tenancy

153A – To apply for an Injunction to prohibit/prevent anti-social behaviour.

153B – To apply for an Injunction to prohibit/prevent the unlawful use of premises.

153D – To apply for an Injunction to prohibit/prevent breaches of tenancy.

157 – To apply to Court to vary or discharge an injunction obtained under section 154A, 153B or 153D of the Act.

166 - To provide advice and information to people in the County in accordance with the Council's obligations under this section.

167 – To process Housing Applications and allocate Housing Accommodation in accordance with the Part VI of the Housing Act 1996, and the Council's Allocations Policy.

168 – To publish information about the Council's Allocation Scheme.

171 – To prosecute people who make false statements or withhold information.

179 – To provide advice and information to people in the County about homelessness and the prevention of Homelessness.

180 – To provide grants, loans or other assistance to voluntary organisations concerned with homelessness or matters relating to homelessness.

181 – To serve Notice on a voluntary organisation where the Council intends to recover monies

184 – To make inquiries to cases of homelessness or threatened homelessness, determine applications in accordance with the requirements of Part VII of the Act and notify Applicants of the Council's decision.

188 – To discharge the Council's duty to provide temporary accommodation to applicants in cases of apparent priority pending a decision about the duty owed to them, and the Council's power to provide temporary accommodation pending the decision on

any review.

To discharge the Council's duties under section 189, 192, 193 and 195 of the Act, in accordance with the requirements of Part VII of the Act.

198 – To refer homelessness cases to another local housing authority.

200 – To discharge the Council's duties to homeless applicants whose cases are being considered for referral to another Authority and to exercise the Council's power to provide temporary accommodation pending the decision on any review.

202 – To carry out Homelessness Reviews

204 & 204A– To defend any County Court Appeals arising from the Council's homelessness decisions.

206 - Discharge of Functions by Local housing Authorities.

208 - Discharge of Functions: Out of Area Placements

209 - Discharge of Functions: arrangements with Private Landlords

210 - Discharge of Functions: Suitability of Accommodation

211 & 212 - To discharge the Council's duties and exercise the Council's powers to protect property belonging to homeless people and people threatened with homelessness.

213 – To seek the applicant's consent and refer certain matters involving children to social services.

214 - To prosecute people who make false statements, withhold information or fail to disclose change of circumstances.

### **Housing Grants, Construction and Regeneration Act 1996**

S. 13 Renovation Grants : Approval of Applications

S.18 Common Parts Grants : Approval of Applications

S. 24 Disabled Facilities Grants : Approval of Applications

S. 28 HMO Grants : Approval of Applications

S. 76 Authorisation to give Home Repair Assistance in the form of a grant or the provision of materials for the carrying out of works of repair, improvement or adaptation to a dwelling

S. 81 & 82 Power to Serve Deferred Action Notices

S.84 Power to review a Deferred Action Notice

S.86 Unfitness for Human Habitation: Power to improve enforcement procedures

S.87 Unfitness for Human Habitation: Power to change for Enforcement Action

S.88 Authorisation to recover the charge for Enforcement Action.

### **Housing Act 2004**

To sign all notices/licences relating to Housing Standards

### **Local Government and Housing Act 1989**

S.112 Determination of Approval in respect of house renovation grant applications to render certain dwellings fit for human habitation.

S.113 Determination of Approval in respect of house renovation grant applications arising out of certain statutory notices.

S. 114 Determination of Approval in respect of house renovation grant applications to provide certain facilities for the disabled.

S.115 Determination of Approval in respect of discretionary house renovation grant applications

S. 116 Issue of Notices of Approval or Refusal in respect of house renovation grant applications

Appoint authorised officers to exercise powers of entry under the provisions of the Act.

## **1. LAND COMPENSATION ACT 1973**

29 – To make home loss payments and discretionary payments to displaced Council tenants

### **Protection From Eviction Act 1977**

To initiate legal proceedings under Section 6 of the Protection from Eviction Act 1977 for offences under Section 1(2), 1(3) and 1(3A) and for the Service of Notices under Section 7 of the Act.

In severe and urgent cases to apply to the Court for a warrant for the arrest of the perpetrator.

### **Other Powers**

To serve Notice to Quit to bring non-secure licenses and tenancies to an end, and to lodge copies of notices with the Public Trustee where appropriate.

To serve Notice and Issue Possession Proceedings to remove trespassers from Council owned dwellings.

To apply to Court to enforce warrants of possession obtained in respect of Council owned dwellings.

# **REGENERATION AND LEISURE**

## **ECONOMIC AND REGENERATION FUNCTIONS**

The functions associated with the delivery of the Council's responsibilities for economic development and regeneration are delegated to the Director of Regeneration and Leisure, including (but not limited to) the functions described below:-

### **Carmarthenshire Technology Centre Fund**

To administer and approve any expenditure from the Carmarthenshire Technology Centre Fund.

### **Business Support/Implementation Mechanism**

In consultation with the Director of Resources to consider each application according to agreed criteria

### **Workshop Lettings (Small Firms Wage Subsidy)**

To be an authorised signatory for approval of small firms wage subsidy applications.

### **"1" Fund**

To approve grant awards up to a maximum of £5,000.

### **Business Start Up and Development Grant Programme**

To award grants of up to a maximum of £5,000 under the Business Start Up and Development Grant Programme.

### **Community Business Grant Programme**

To award grants of up to a maximum of £5,000 (capital grant) and £3,000 (feasibility grant) under the Community Business Grant Programme.

## **PLANNING AND BUILDING CONTROL FUNCTIONS**

The functions associated with the Council's responsibilities for planning and building control are delegated to the Director of Regeneration and Leisure and the Head of Planning, including (but not limited to) all the functions described below:-

### **Determination of Planning Applications**

To determine all planning applications, with the following exceptions:

- where an objection based on a material planning consideration has been received.
- The local member has requested that the application shall be considered by the Planning Committee

To also determine planning applications in the following instances:

- where a material issue had been debated by the Committee at the outline stage and again at the detailed stage and if there were no changes in material circumstances between the outline and detailed application;
- where persistent objections were received in respect of an on-going development which had previously been considered by the Planning Committee and which raised no new material planning considerations.

### **Administration**

Undertake statutory and non-statutory publicity and consultations.

Add conditions to planning consents once approved by the Planning Committee.

Amend or add reasons for refusals and conditions on approvals by Committee broadly consistent with the general tenure of decisions determined by the Planning Committee.

Issue planning decision notices.

Issue building regulations decision notices.

Respond to Hedgerow Removal Notice Orders.

Issue Tree Preservation Orders and Building Preservation Orders

Serve emergency tree preservation orders and building preservation notices following consultation with the appropriate Executive Board Member and the local ward member(s).

Determine consent for work on trees covered by Tree Preservation Orders (including works on trees in a Conservation Order)

To process procedural matters relating to applications for review of conditions at mineral workings.

Approve details of minor developments within mineral workings under the Town and Country Planning (General Permitted Development) Order 1995.

Determine requests for screening opinion under regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Consultation on applications under Section 38 of the Electricity Act 1989.

Head of Planning will have responsibility for the appointment of an independent surveyor in the adjudication of disputes relating to The Party Wall Act 1996.

To undertake the necessary investigations into allegations of unauthorised development, and to instigate any appropriate enforcement action under Part VII of the Town and Country Planning Act 1990.

### **Planning and Building Regulations**

Delegated authority to the Head of Planning to consider prior notification of permitted developments received by the local planning authority and issuing of the necessary notices.

To issue necessary enforcement and other action relating to the enforcement of planning and listed building legislation.

To undertake the necessary investigations into allegations of unauthorised development, and instigate any appropriate enforcement action under Part VII of the Town and Country Planning Act 1990 and Listed Building Act 1990.

To determine Tree Preservation Order applications made under Sections 198 and 211 of the Town and Country Planning Act 1990.

To enter into planning obligations regulating development or use of land under Section 106 of the Town and Country Planning Act 1990, and to negotiate, modify or discharge such obligations.

To agree minor changes to the Carmarthenshire Unitary Development Plan or any subsequent plan which does not fundamentally alter the plan's basic strategy as agreed by County Council. Authority to the Head of Planning to amend the policies where there are cartographical errors, typographical errors, omission of objections or amendments to reflect emerging policies and guidelines from WAG.

To determine applications received for a Certificate of Lawful Development.

To determine applications for Certificates of Alternative Appropriate Development, Listed Building applications and Conservation Area consents, Tree Preservation Notices, Building Preservation Notices, Hedgerow Regulation Notices and amendments to the Common Land Register.

Authority to the Head of Planning to appoint officers and elected members to exercise the right of entry onto land, as determined by :

Section 196 of the Town and Country Planning Act 1990;  
Section 324 and 325 of the Town and Country Planning Act 1990;  
Section 11 of the Planning and Compensation Act 1991;  
Section 88 of the Planning (Listed Building and Conservation Area) Act 1990  
Section 95 of the Building Act 1984;

To take action under the Criminal Justice and Public Order Act 1994.

Street naming and numbering under the provisions of Sections 17, 18 and 19 of the Public Health Act 1925, Sections 64 and 65 of the Town and Improvement Clauses Act 1847 and the relevant provisions of the Public Health Act 1875, to include the power to erect names of public streets and ensure that names and/or numbers of buildings are properly displayed.

Authority to the Head of Planning to determine applications for a screening opinion under the Environmental Impact Assessment Regulations 1999 and to screen submitted applications.

To act as the Appointing Officer for the purposes of the Party Wall etc. Act 1996

### **Building Regulations**

Delegated authority is granted to the Head of Planning and Building Control Manager to determine all building regulation duties, including the determination of building regulations' applications, enforcement and measures relating to dangerous buildings. Authorisation to sign the necessary statutory notices.

### **Hedgerow Regulations**

To issue a Hedgerow Retention Notice and where appropriate to consult with Local Member(s), Community Council, Countryside Commission for Wales and Cambria Archaeology.

To issue and enforce Hedgerow Replanting Notices in accordance with agreed County Council guidelines.

To grant the removal of a hedgerow in accordance with statutory requirements.

### **COUNTRYSIDE, RECREATION AND ACCESS**

All statutory powers and duties relating to footpaths and bridleways are delegated to the Director of Regeneration and the Head of Leisure and Sport (including powers relating to enforcement and entry to land), including those relevant powers and duties arising under the following enactments:-

Countryside Act 1968  
Highways Act 1980  
Wildlife and Countryside Act 1981  
Cycle Tracks Act 1984  
Road Traffic Regulation Act 1984  
Rights of Way Act 1990  
Town and Country Planning Act 1990  
Road Traffic Act 1988  
Countryside and Rights of Way Act 2000

# **TECHNICAL SERVICES**

### **Powers delegated to the Director of Technical Services**

To Manage the County Council's technical and operational direct service organisations, in so far as not located within any other department. To determine all matters relating to the Technical Services Department on a day to day basis.

To oversee all operational matters in relation to the following functional areas;

- Consultancy.
- Professional Design Services and Dwr Cymru contracts
- Transport
- Construction Services- Highway Maintenance, Building Maintenance, Grounds Maintenance, Waste Management, Street Cleansing and Municipal Services.
- Emergency Planning

To nominate officers authorised to sign documents, certificates, letters, invoices, orders and all other financial and administrative correspondence and documents, on such terms as the Director may specify.

### **Section 104 Agreements - Water Industry Act 1991**

To formally adopt sewers under Section 104 of the Water Industry Act 1991.

### **Annual Tenders**

To obtain spot prices for the provision of services when it was considered that this might be advantageous to the Authority.

### **Cwm Environmental Limited**

To exercise the functions for which the Council are responsible under the Memorandum and Articles of Association of the Company.

To jointly agree with the Director of Resources the authority for CWM Environmental Limited, the appointment of Auditors and enter into transactions in excess of £25,000.

### **Ammanford Cemetery**

To act as the Authority's Proper Officer under Section 112 of the Local Government Act 1972 and as the Registrar of Burials

### **Transportation**

#### **Powers Delegated to the Head of Transport and Engineering.**

To appoint officers authorised to determine informal challenges and formal representations to the issue of Parking Contravention Notices and Notices to Owners.

### **On and Off Street Traffic Regulation Orders**

To commence the statutory process for the making of On and Off Street Traffic Regulation Orders.

### **Temporary Traffic Regulation Orders**

To authorise the making of temporary traffic regulation orders, subject to the approval of local members

### **Residents' Parking Permits and Access Permits**

To sign and issue Residents' Parking Permits and access permits.

### **Land Acquisition for Transport Infrastructure Schemes**

To instruct the Head of Corporate Property to open negotiations for the purchase of land required for transport infrastructure schemes provided that the scheme is included within the Council's Local Transport Plan, Regional Transport Plan or within a programme approved by Council

### **Request from Associations and the General Public for Partial Use of a Car Park Owned by the Authority for Alternative Activities**

To authorise, in consultation with the Executive Board Member of Environment and local member(s), to consider requests received for alternative temporary partial use of County Council owned car parks.

To authorise the Director of Technical Services and his nominated officers to lay information and instruct the Head of Administration and Law to conduct proceedings in the Magistrates' Court on behalf of the County Council in relation to alleged offences under the Carmarthenshire County Council (Off Street Parking Places) (Llanelli) (Amendment) Order 2000 and the Carmarthenshire County Council (Off Street Parking Places) (Carmarthen) (Amendment) Order 2000.

### **Home to School Transport**

To constitute an Officer Home to School Transport Appeals Panel (comprising representation from Legal, Education and Transport and Engineering Divisions) in order to hear and determine appeals relating to home to school transport.

### **Entry onto land for surveys in connection with Transport Infrastructure Schemes**

To be authorised to serve notices of entry under Section 289 of the Highways Act 1980 for the purpose of surveying on land (including boreholes and trial pits) in connection with the development of transport infrastructure schemes

## **Street Scene**

### **Powers Delegated to the Head of Street Scene.**

#### **Land Acquisition for Highways, Bridge maintenance and remedial earthworks Schemes**

To instruct the Head of Corporate Property to open negotiations for the purchase of land required for highways, bridge maintenance and remedial earthworks schemes provided that the scheme is included within a programme approved by Council.

#### **Entry onto land for surveys in connection with Highways, Bridge maintenance and remedial earthworks Schemes**

To serve notices of entry under Section 289 of the Highways Act 1980 for the purpose of surveying on land (including boreholes and trial pits) in connection with the development of highways, bridge maintenance and remedial earthworks schemes.

Highways Act (1980), New Roads and Street Works Act, Land Drainage Act, Traffic Management Act 2004 (Commencement No.1) (Wales) Order 2006, Environmental Protection Act 1990, Clean Neighbourhood and Environment Act 2005.

Powers to deal with all statutory powers under the various sections of the above Acts.

#### **Land acquisition for minor improvement, bridge maintenance, remedial earthworks and road safety schemes**

To instruct the Head of Corporate Property to purchase small parcels of land required for small highway improvements, bridge maintenance, remedial earthworks and road safety schemes up to a value of £5,000 (subject to valuation), to be funded from the revenue maintenance budget.

#### **Charges for the collection of household and commercial waste.**

Delegated powers in consultation with the Executive Board Member for Environment, to set charges for the collection of household and commercial waste as described in regulation 4 and schedule 2 and regulation 6 and regulation 4 of the Controlled Waste Regulations 1992.

#### **Dog Fouling of Pavements**

Delegate powers to action the Dog Fouling of Land (Act) 1996 under the terms of Section 101 of the Local Government Act 1972

#### **Powers to tackle litter and refuse on land**

Delegated powers to investigate and proceed with prosecutions under Section 101 of the Local Government Act 1972 in order to tackle litter and refuse on land under Section 33, 34, 46, 59,60,73, 88, 89, 90, 91, 92, 94,99 of the Environmental Protection Act,

Section 215 of the Town and Country Planning Act, Section 22(3) and 23 of the Control of Pollution Act 1974, Section 78 of the Public Health Act 1936, Section 34 of the Public Health Act 1961, Sections 2, 3,4, 6, 7 and 8 of the Refuse Disposal Amenity Act 1978, Section 5(9) of the Litter Act, Section 148 and 149 of the Highways Act Schedule 3A, Paragraph 7(2) Environmental Protection Act 1990.

### **Powers to tackle litter, refuse, graffiti and fly posting**

Delegated Powers to investigate and proceed with prosecution under:  
Section 71 of the Environmental Protection Act 1990;

Section 5 and 6 of the Control of Pollution (Amendment Act) 1989;

Sections 43, 45, 47, 48, 49, 55, and 56 of the Anti Social Behaviour Act 2003;

Section 108 of the Environment Act 1995.

Section 137, 138, 139, 140,143,143, 154,169, 170, 171 and 180 of the Highways Act 1980.

Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Section 4 of the Prevention of Damage by Pests Act 1949.

### **Neighbourhood and Environment Act**

Part 2 Nuisance Vehicles - Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.

Part 3 Litter and Refuse - Sections 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Part 4 Graffiti and other Defacement - Sections 28, 29, 30, 31, 32, 33 and 34.

Part 5 Waste - Sections 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53.

Part 6 Dogs - Sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68.

Part 9 Miscellaneous - Sections 96, 97, 98, 99 and 100.

### **Default Works**

Where an infraction of legislation continued following the service and expiration of a Notice requiring works to be undertaken, delegated powers be granted to the Director of Technical Services, the Head of Street Scene and the Street Care Manager to initiate and make arrangements for the execution of works in default, to the monetary limit specified in Council Standing Orders currently in force.

# **EDUCATION AND CHILDREN'S SERVICES**

To exercise all powers relating to the functions of the County Council as the Local Education Authority.

The Director of Education and Children's Services is the Lead Director for children and young people, as required by the Children Act 2004, and has responsibility for co-ordinating and overseeing the promotion of local co-operation between the Council and other relevant partners and bodies, and also in publishing plans setting out the Council's strategy in relation to children and young people.

In addition, operational responsibility for children, young people and families' social services functions are specifically delegated from the Director of Social Care, Health and Housing to the Director of Education and Children's Services.

## **RESOURCES MANAGEMENT**

### **Free School Meals and Milk**

To determine applications for Free School Meals and Milk in accordance with National and Council Policies.

### **Student Support**

To determine eligibility for Student Support in accordance with Government, WAG and Council regulations and policies.

### **Charitable Trust Funds**

To determine, in consultation with Trustees, applications received for financial support from Charitable Trust Funds administered by the Authority on behalf of Trustees.

## **STANDARDS & QUALITY**

Youth Justice under the Crime and Disorder Act 1998.

## **GOVERNANCE & SERVICE SUPPORT**

### **Local Management of Schools (LMS) Scheme**

To vire funds within the education budget to comply with the LMS Scheme and WAG Regulations and guidance.

### **School Reorganisations – Treatment of Balances of Closing Schools**

To determine whether new schools should be allocated some additional funding to reflect the benefit of the balances of closing schools affected by reorganisations.

## **Parent Governors**

Returning Officer for the election of Parent Governors and to determine the arrangements for the elections.

## **Admission of Pupils to Schools**

To undertake the role of Admissions Authority for all Community and Voluntary Controlled schools, in accordance with published guidelines.

## **CHILDREN'S SERVICES**

### **Child Protection**

To commence Care Proceedings and other proceedings under the Children Act 1989.

To authorise the detention of a child or young person in secure accommodation for a period of up to 72 hours, under Section 25 of the Children Act 1989.

### **Adoption**

To be the Council's Agency Decision Maker in relation to the approval of adopters, the placement of children for adoption, and the matching of children with adopters.

To ensure that there is appropriate representation on the West Wales Adoption Panel in consultation with the Executive Board and partner authorities.

### **Fostering**

To be the Council's Agency Decision Maker in relation to the approval and de-registration of foster carers.

To review and decide upon the level of annual increases in boarding out allowances to be paid to foster carers, in accordance with the Council's financial procedures and regulations.

### **Looked After Children**

To place Looked After Children outside Carmarthenshire, and/or with a non-Local Authority provider, when appropriate, and to make provision for any associated costs.

### **Children's Homes**

To ensure that the statutory requirements are met as required by the Care and Social Services Inspectorate Wales.

### **Statements of Special Educational Needs**

To authorise Statements of Special Educational Needs in accordance with statutory regulations.

### **Pupils' Non-Attendance at School**

To instigate proceedings, and represent the Council in prosecutions at Magistrates' Courts, in respect of pupils' non-attendance at school.

### **Child Employment**

To licence the employment of children.

### **Financial Support**

To provide financial support to children and families in need under Section 17 of the Children Act 1989.

To determine applications received for clothing grants.

## **SCHOOLS MODERNISATION**

### **Disposal of Redundant School Sites & Buildings**

To instruct the Head of Corporate Property to dispose of redundant school sites and buildings following closure, in line with agreed Council policy.