

# Luton Borough Council Constitution

## Section 5: Delegations to Officers

### Part 5 B: Scheme of Delegation to Officers

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## Section 5: Delegations to Officers

### Part 5 B: Scheme of Delegation to Officers

#### 1. Overview

##### 1.1 Introduction

1.1.1 The officers of the council shall have delegated to them the functions, powers and duties referred to in paragraphs 3 and 4 below, but subject to the general reservations, conditions and qualifications set out in paragraphs 5 and 6 below.

##### 1.2 Definitions

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

- (1) **'the Articles'** means the Articles of the constitution as set out in Part 2 of the constitution
- (2) **'the Constitution'** means the constitution of the council prepared and maintained under Section 37 of the 2000 Act
- (3) **'Corporate Director'** means an officer who reports directly to the Chief Executive, whose post title includes the word **'Director'** and who is responsible for one or more Service Directors or Directors with statutory responsibilities
- (4) **'the Council'** means Luton Borough Council
- (5) **'Directors with Statutory Responsibilities'** means an officer other than a Corporate Director or Service Director who holds a statutory officer role.
- (6) **'the Executive'** means the Executive of Luton Borough Council appointed under the provisions of Part II of the 2000 Act and includes a committee of the Executive
- (7) **'Executive Functions'** means those functions of the council which by virtue of Section 13 of the 2000 Act are the responsibility of the Executive and any local choice function which under the provisions of the constitution is the responsibility of the Executive
- (8) **'Financial Regulations'** means the financial regulations as set out in Part 5 of the constitution
- (9) **'the Functions Regulations'** means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time
- (10) **'the general reservations'** means the reservations, conditions and qualifications set out in Paragraphs 5 and 6 of this Scheme
- (11) **'Local Choice Function'** means a function of the council which under Regulation 3(1) of and Schedule 2 to the Functions Regulations may or may not be the responsibility of the Executive
- (12) **'Non-Executive Functions'** means those functions of the council which under Regulation 2 of and Schedule 1 to the Functions Regulations are not the responsibility of the Executive and any local choice function which under the provisions of the constitution is not the responsibility of the Executive
- (13) **'Portfolio Holder'** means a member of the Executive to whom the Executive Leader has assigned responsibility to take a lead role in relation to a particular matter or particular matters, whether or not that person has power to take decisions in relation to any such matter or matters
- (14) **'power'** includes any function, power or duty
- (15) **'Regulatory Committee'** means one of the following Committees:

- (a) Administration and Regulation Committee
- (b) Development Management Committee and
- (c) Licensing Committee

- (16) **'the relevant body'** means Full Council, the Executive, a Regulatory Committee or the Audit & Governance Committee as the case may be.
- (17) **'the relevant budget'** means the total approved revenue budget for the relevant financial year for, in the case of the Chief Executive or a Corporate Director, the Department for which the Chief Executive or Corporate Director is responsible, and, in the case of a Service Director, the service area for which the Service Director is responsible, with, in any case, no commitment to additional expenditure in any future year above the level of the budget for the relevant financial year
- (18) **'the relevant Corporate Director'** means the Corporate Director responsible for the function in question or the Corporate Director to whom the Service Director taking, proposing to take, or responsible for, the action or function in question reports
- (19) **'the relevant financial year'** means the financial year in which the decision or action in question is taken
- (20) **'the relevant Judicial Panel'** means the Judicial Panel responsible for function in question under Part 2 B of the Constitution (Responsibility for Functions)
- (21) **'the relevant Regulatory Committee'** means the Regulatory Committee, or a sub-committee of a regulatory committee, having responsibility for the power in question
- (22) **'the relevant Service Director'** means the Service Director responsible for the function in question or the Service Director to whom the officer taking, proposing to take, or responsible for, the action or function in question reports
- (23) **'the relevant Portfolio Holder'** means the Portfolio Holder with responsibility for the matter in question
- (24) **'Schedule 1'** means Schedule 1 to this Scheme
- (25) **'Schedule 2'** means Schedule 2 to this Scheme
- (26) **'Scheme of Devolved Financial Management'** means the Scheme of Devolved Financial Management referred to in Financial Regulations
- (27) **'Service Director'** means an officer who reports to a Corporate Director, or an officer other than a Corporate Director who reports directly to the Chief Executive, irrespective of that officer's post title, but does not include an officer whose duties are wholly or substantially in the nature of secretarial, administrative or clerical support
- (28) **'Standing Orders'** means the Standing Orders as set out in Part 3 A of the Constitution and
- (29) **'the 2000 Act'** means the Local Government Act 2000 (as amended )

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

1.2.3 Any reference in this scheme to any statute, bye-law, regulation or scheme made by the council or to any part of the constitution shall include any amendment, modification, re-enactment or re-issue of the statute, bye-law, regulation, scheme or part of the constitution.

### 1.3 General delegations to officers

- 1.3.1 Each officer of the council or category of officer of the council specified in Schedule 1 shall have delegated to her/him/them the powers specified in Schedule 1 in relation to each such officer or category of officers.
- 1.3.2 For reference purposes each power specified in Schedule 1 shall have the reference number in relation to that power specified in Schedule 1, which reference number shall include an indication of the relevant body using the following key:-

EX	=	Executive
NEX	=	Any Non-Executive body
B	=	Both Executive and Non-Executive

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

### 1.4 Specific delegations to officers

- 1.4.1 Each officer of the council specified in Schedule 2 shall have delegated to her/him the powers specified in Schedule 2 in relation to that officer.
- 1.4.2 For reference purposes each power specified in Schedule 2 shall have the reference number in relation to that power specified in Schedule 2, which reference number shall include, for information purposes only, an indication of the relevant body using the following key:-

FC	=	Full Council
AD/REG	=	Administration and Regulation Committee
AU/GOV	=	Audit & Governance Committee
DM	=	Development Management Committee
LIC	=	Licensing Committee and
ALL	=	All Regulatory Committees

Where no such indication is shown the relevant body is the Executive.

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

### 1.5 General reservations conditions and qualifications applying to delegations

- 1.5.1 The following reservations, conditions and qualifications apply to the exercise of all powers delegated to officers:-
- (1) all powers and duties shall be exercised on behalf of and in the name of the council
  - (2) the constitution shall be complied with
  - (3) the right of the relevant body to impose further conditions or restrictions on the exercise by officers, or any specified officer, of any delegated power

- (4) the right of the relevant body to exercise any power delegated to an officer, or to issue directions to an officer on the exercise of any power or duty, but the relevant body shall not act in either of these ways if:-
- (a) the officer concerned has already acted in the exercise of the delegated power or
  - (b) to do so would involve or potentially involve the relevant body or the council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration or
  - (c) any third party rights would be adversely affected or
  - (d) the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise
- (5) an officer may decline to exercise her/his delegated power in any case and make a recommendation to the relevant body but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise her/his delegated power

## 1.6 Amendment to scheme

1.6.1 This scheme may be amended at any time by:

- (1) in respect of Schedule 1, the Executive in respect of Executive functions and the Full Council in respect of Non-Executive functions. Where a delegation covers both Executive and Non-Executive functions reference should be made to Part 2 B of the Constitution (Responsibility for functions) to determine which of the Executive or Full Council should be approving the amendment.
- (2) in respect of Schedule 2, the Full Council or the relevant body in respect of those delegations for which that relevant body is responsible.

1.6.2 Nothing in this scheme shall preclude the Executive in respect of Executive functions, Full Council in respect of Non-Executive functions or the relevant body in respect of those delegations for which that relevant body is responsible from revoking an officer's delegated authority (either generally or in respect of specific matters) if Executive, Full Council or the relevant body considers that it is necessary to do so urgently in the interests of the council.

1.6.3 In an emergency the Chief Executive shall have authority to exercise the power given to Executive, Full Council or the relevant body under paragraph 1.6.2 above.

## Schedule 1. General delegations to officers

### All or relevant Service Directors and Directors with Statutory Responsibilities

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
1/001 B	To award a contract to the person or firm submitting the lowest (or, in the case of income to the council, the highest) or most economically advantageous quotation or tender.	Compliance with Chapter 9 (Contract Procedure Rules) of Standing Orders.
1/002 B	To approve final accounts of contracts entered into by the Council.	
1/003 B	To implement any decision of the Executive or of any person or body authorised by or under the authority of the Executive or the Executive Leader to take the decision in question, or of any other relevant body or of an officer acting under delegated powers.	
1/004 EX	To proceed with any project within the capital or revenue budgets approved by the Executive.	
1/005 EX	In a case of urgency, to proceed with a project even though the Executive has not approved the project under Chapter 9 (Contract Procedure Rules) of Standing Orders.	Subject to prior consultation with:- <ol style="list-style-type: none"> <li>1. the Chief Executive</li> <li>2. Director of Finance, Revenues and Benefits</li> <li>3. the relevant Corporate Director and</li> <li>4. the relevant Portfolio Holder, who shall be informed of the views of the officers referred to at (1) to (3) above.</li> </ol>
1/006 EX	To undertake consultation, discussion and negotiation relating to all schemes and proposals which are included in the approved capital or revenue budgets.	
1/007 EX	To use council land and premises in accordance with council policy or as approved by the Executive.	

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<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>1/008 B</b>	In any case where an enactment provides, authorises or requires a power to be carried out by an authorised officer of the council, to authorise an officer to carry out that power under that enactment and to provide the officer with a warrant of authority, identity card or similar document.	
<b>1/009 B</b>	To permit filming or sound recording on council premises in relation to any matter within the Service Director's area of responsibility.	Subject to prior consultation with the Service Director, Citizen Engagement & Legal Services
<b>1/010 B</b>	To exercise any power delegated to Service Directors by Standing Orders, Financial Regulations or the Scheme of Devolved Financial Management.	Any condition or qualification imposed by the Standing Order, Financial Regulation or provision of the Scheme of Devolved Financial Management under which the power is delegated.
<b>1/011 EX</b>	To request the Director of Finance, Revenues and Benefits to write off debts in accordance with Financial Regulations.	Subject to a maximum of £20,000 following consultation with the Director of Finance, Revenues and Benefits.  In excess of £20,000 a recommendation to the Executive to write off may be made jointly with the Director of Finance, Revenues and Benefits.
<b>1/012 EX</b>	To appoint specialist advisers or consultants in respect of any matter within the Service Director's area of responsibility.	Subject to the relevant budget not being exceeded and procurement rules and regulations being observed.



<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>1/013 B</b>	To approve an ex gratia payment to an employee who has suffered physical injury or damage to her/his personal property arising out of her/his employment.	Subject to the payment or payments in relation to a single incident not exceeding £500 or between £500.01 and £1,000 following consultation with the Director of Finance, Revenues and Benefits. Any payment over £1,000.01 will require Executive approval.
<b>1/014 B</b>	To take all necessary action to deal with any emergency, whether or not such emergency relates to the Service Director's area of responsibility.	<ol style="list-style-type: none"> <li>1. If a Service Director takes any action in an emergency relating to the responsibilities of any other Service Director, or of a Corporate Director or the Chief Executive, (s)he shall, if practicable, consult the relevant Corporate Director or Chief Executive before taking the action and, in any event, shall inform that other Service Director as soon as practicable after taking the action.</li> </ol>

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Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<p>2. Any action taken in an emergency which would otherwise be outside the delegated authority of a Service Director or which involves expenditure for which there is no provision shall be reported to the relevant Corporate Director, to the Director of Finance, Revenues and Benefits and to the Executive at the earliest opportunity.</p>
<p><b>1/015</b> <b>B</b></p>	<p>To do anything necessarily incidental to the powers and duties delegated under this Scheme, or to the Service Director's area of responsibility.</p>	
<p><b>1/016</b> <b>EX</b></p>	<p>To levy any fee or charge and to change the amount of any fee or charge levied.</p>	<p>Where the fee or charge, or the change in the amount of the fee or charge, is prescribed by or under statute or has been approved by or under the authority of the Executive.</p>
<p><b>1/017</b> <b>B</b></p>	<p>To arrange for another officer to carry out any power delegated to that Service Director, either under Schedule 1 or under Schedule 2.</p>	<p>Subject to the other officer having the necessary qualifications and experience to exercise the power delegated.</p>
<p><b>1/018</b> <b>B</b></p>	<p>To exercise any power delegated under this Scheme to an officer who reports to the relevant Service Director.</p>	<p>The relevant Service Director shall not exercise this power if any of the following apply:-</p> <p>1. the officer concerned has already acted in the exercise of the delegated power or</p>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<p>2. to do so would involve or potentially involve the Executive or the council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration or</p> <p>3. any third party rights would be adversely affected or</p> <p>4. the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise</p>
<b>1/019 B</b>	To approve an ex-gratia payment to a third party who has suffered loss rising out of the actions of the council.	Subject to the payment in respect of a single incident not exceeding £500 or between £500.01 and £1,000 following consultation with the Director of Finance, Revenues and Benefits.
<b>1/020 B</b>	To respond to consultations except where the proposals set out for consultation, if implemented, would result in material and significant change to current models of service delivery or require resources not provided for in capital or revenue budgets.	In consultation with the relevant portfolio-holder and the Director of Finance, Revenues and Benefits.

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<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>1/021 EX</b>	To identify, instigate, prepare and submit bids for external funding except where the resources required for doing so are not presently provided for in capital or revenue budgets.	In consultation with the relevant portfolio-holder and the Director of Finance, Revenues and Benefits.
<b>1/022 NEX</b>	To appoint employees to the council's establishment other than those within JNC related Chief Officer Conditions of Service.	Delegations 1/022 to 1/044 are subject to compliance with the Council's Policies and Procedures, particularly (but not exclusively) the council's Policies and Procedures relating to Recruitment, Redundancy and Redeployment, Organisational Change, Job Evaluation and Equalities and the Single Status Agreement and to the relevant budget not being exceeded in addition to any specific condition or qualification specified below in relation to any of those delegations.
<b>1/023 NEX</b>	To confirm an employee's appointment following any probationary period.	As for Delegation 1/022
<b>1/024 NEX</b>	To vary or to carry out a restructuring of the Service's establishment, except where to do so would create a risk of redundancy or of the transfer of staff under the Transfer of Undertakings (Protection of Employees) Regulations.	As for Delegation 1/022 and subject to consultation with the Chair of Administration & Regulation Committee, Director of Customer and Organisational Development and the Director of Finance, Revenues and Benefits.

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>1/025 NEX</b>	In any case where the Executive, or a person acting on behalf of the Executive, including any officer to whom powers have been delegated by the Executive, has made a decision in relation to an Executive function ('the Executive decision'), to take any and all action in relation to any employee in the Service Director's Service, which is necessary or required to implement, or which is consequent on the Executive decision.	As for Delegation 1/022 and subject to consultation with the Director of Customer and Organisational Development
<b>1/026 NEX</b>	To approve honoraria payments to employees for temporary additional duties.	As for Delegation 1/022 and subject to consultation with the Director of Customer and Organisational Development
<b>1/027 NEX</b>	To grant special leave to an employee.	As for Delegation 1/023
<b>1/028 NEX</b>	To grant unpaid leave to an employee.	As for Delegation 1/023
<b>1/029 NEX</b>	To grant an essential or casual user car allowance to an employee.	As for Delegation 1/023 and subject to consultation with the Director of Customer and Organisational Development.
<b>1/030 NEX</b>	To approve an employee's starting salary at greater than the base spinal column point within the grade for the job.	As for Delegation 1/023
<b>1/031 NEX</b>	To award an additional increment or additional increments to an employee based on merit and within the employee's grade.	As for Delegation 1/023
<b>1/032 NEX</b>	To discipline and dismiss an employee in accordance with the council's Disciplinary Procedure.	As for Delegation 1/023
<b>1/033 NEX</b>	To authorise an employee to undertake a training course and to approve financial assistance for such training.	As for Delegation 1/023
<b>1/034 NEX</b>	To recover (or to waive recovery of) any financial assistance which the council may be entitled to recover from employee who discontinues a training course.	As for Delegation 1/023
<b>1/035 NEX</b>	To authorise overtime payments to an employee.	As for Delegation 1/023

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<b>1/036 NEX</b>	To take on additional temporary or casual employees to cover for sickness, leave or peaks of workload.	As for Delegation 1/023
<b>1/037 NEX</b>	To approve apprenticeships.	As for Delegation 1/023
<b>1/038 NEX</b>	To approve the provision of telephone facilities for an employee required to be on emergency call out.	As for Delegation 1/023
<b>1/039 NEX</b>	To offer work experience placements to students.	As for Delegation 1/023
<b>1/040 NEX</b>	To approve payments under the council's relocation scheme for new employees.	As for Delegation 1/023
<b>1/041 NEX</b>	To approve time off for trade union duties.	As for Delegation 1/023
<b>1/042 NEX</b>	To approve attendance by an employee at any conference relevant to the employee's area of work or professional discipline.	As for Delegation 1/023
<b>1/043 NEX</b>	To approve a request from any organisation for an employee to be available for call out duties in normal working hours in the event of an emergency or disaster.	As for Delegation 1/023
<b>1/044 NEX</b>	To approve a request from an employee to take on another employment, carry out a business or undertake work, other than work for the council outside of normal working hours.	As for Delegation 1/023 and subject to being satisfied that such employment, business or other work will not conflict with the interests of the council or with the employee's normal duties.
<b>1/045 NEX</b>	To request the Service Director, Housing, to allocate council housing to a new employee on a temporary basis.	
<b>1/046 NEX</b>	To approve a Special Severance Payment below £20,000	Subject to consultation with the Director of Customer and Organisational Development and with the consent of the Section 151 Officer and the Monitoring Officer.

All or relevant Corporate Directors

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
1/047 NEX	To appoint an interim Service Director or interim Director with Statutory responsibilities within the relevant Corporate Director's own department.	Subject to the conditions set out in relation to the Chief Executive under Delegation 1/056; and to the Chair of Administration and Regulation Committee being informed. Does not apply to the designation of a Monitoring Officer which is a matter reserved to Full Council.
1/048 B	To exercise any power delegated under this Scheme to a Service Director who reports to the relevant Corporate Director.	<p>The relevant Corporate Director shall not exercise this power if any of the following apply:-</p> <ol style="list-style-type: none"> <li>1. the officer concerned has already acted in the exercise of the delegated power or</li> <li>2. to do so would involve or potentially involve the Executive or the council being in breach of any statute, rule of law, or of the rules of natural justice, or would be likely to involve maladministration or</li> <li>3. any third party rights would be adversely affected or</li> </ol>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		4. the power is one which has been delegated to an officer because of that officer's professional qualification or expertise and requires for its exercise professional judgement based on that qualification or expertise.
1/049 B	To approve an ex-gratia payment to a third party who has suffered loss rising out of the actions of the council.	Subject to the payment in respect of a single incident being in excess of £1,000.01 but not exceeding £2,000. Any payment over £2,000 will require the approval of the Executive.

The Chief Executive

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
1/050 NEX	To appoint an interim Corporate Director or, within the Chief Executive's own department, an interim Service Director or Director with Statutory Responsibilities (excepting the designation of a person as the Monitoring Officer).	Compliance with the council's established recruitment policies, practices and procedures; and the relevant budget not being exceeded; and no such appointment being for a period of more than 9 months from the date on which the appointee commences her/his duties; and the Chair of Administration & Regulation Committee being informed.



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<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>1/051 B</b>	To exercise the power delegated to the relevant Corporate Director under delegated power 1/055 above.	Subject to the conditions set out in (1) to (4) in relation to Delegation 1/048 above.
<b>1/052 NEX</b>	To approve a Special Severance Payment of £20,000 and above but below £100,000.	Subject to consultation with the Director of Customer and Organisational Development and with the consent of the Leader of the Council, the Section 151 Officer and the Monitoring Officer.

## Schedule 2. Specific delegations to officers

### The Chief Executive

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
<b>2/001 AD/REG</b>	To appoint Deputy Electoral Registration Officers under Section 52 (2) of the Representation of the People Act 1983	

### The Monitoring Officer

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
<b>2/002 FC</b>	To make minor or consequential amendments to the council's constitution necessary in the interests of clarity, the avoidance of duplication or inconsistency or to bring the documents into line with legislative requirements.	
<b>2/003 FC</b>	To change or amend the constitution pursuant to a resolution of the Full Council authorising him/her to make such changes or changes of a kind specified in the Resolution.	
<b>2/004 FC</b>	To change or amend one part of the constitution in consequence of a change or amendment to another part of the constitution.	
<b>2/005 FC</b>	To change or amend the constitution as a matter of record or to reflect a factual or legislative change.	
<b>2/006 FC</b>	To change or amend Appendix A to Part 2 A of the constitution to reflect a change in the Management Structure approved by the Council or a change in any job title(s) approved by the Full Council or a committee acting under delegated powers.	

### The Director of Finance, Revenues and Benefits

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
<b>2/007</b>	To implement the policies set out in the council's Treasury Policy Statement.	
<b>2/008</b>	To pay accounts.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/009</b>	To approve the issue of Notices of Variation to Mortgagors in the light of the determination by the Secretary of State of the Standard National Rate in force from time to time and the local Average Rate of Interest determined by the Executive from time to time whichever is the higher and to determine the rate of interest applicable to mortgages granted prior to 3 October 1980 and mortgages granted by the council.	Subject, in the case of mortgages granted on or after 3 October 1980, to the policy determined by the council at Minute 329/81 being continued.
<b>2/010</b>	To make an election to treat as taxable supply land or property in which the council has a legal interest.	
<b>2/011</b>	To serve Demand Notices.	
<b>2/012</b>	To enter into agreements to receive payments on account of amounts due.	
<b>2/013</b>	To take appropriate recovery procedures, e.g. apply to the courts for Liability Orders, Distraint on Goods, Attachment of Earnings Order, etc.	
<b>2/014</b>	To approve the write off of debts in accordance with Financial Regulations.	Subject to a maximum of £20,000. In excess of £20,000 a recommendation to write off should be made to the Executive.
<b>2/015</b>	To sign (or delegate authority to the Deputy Section 151 Officer to sign) certificates of non-payment in respect of Fixed Penalty Notices.	
<b>2/016</b>	To approve payments made for and on behalf of the council.	
<b>2/017</b>	To accept on behalf of the council any future grants, subject to the terms and conditions of those grants, where specific acceptance of the grant and its terms and conditions is required.	Subject to prior consultation with the relevant Portfolio Holder.
<b>2/018</b>	To institute proceedings for arrears of Council Tax or any other arrears of a similar nature.	
<b>2/019</b>	To grant the full discretionary rate relief permissible for up to a maximum period of 8 weeks in respect of applications for relief from charities occupying premises on short term tenancies.	
<b>2/020</b>	To determine applications for Discretionary Rate Relief for Charitable Organisations and Community Amateur Sports Groups in accordance with all relevant Policy Frameworks.	

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<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
2/021	To determine applications for Discretionary Rate Relief where there is Central Government funding in accordance with all relevant Policy Frameworks.	
2/022	To determine applications for Discretionary Rate Relief in accordance with the Business Growth Incentive Scheme Policy Framework.	
2/023	To publish the amount of Council Tax in newspapers.	
2/024	To determine applications for discretionary Housing Benefit Payments	Within the permitted total expenditure allowed.
2/025	To carry out the proper administration of the recovery and collection of Council Tax.	
2/026	To represent the council, and to appoint any other officer to represent the council, at the Bedfordshire Valuation Tribunal.	
2/027	To award discretionary rate relief, or reduction or remission of Non-Domestic Rate on the grounds of hardship.	Subject to prior consultation with the relevant Portfolio Holder
2/028	<p>To exercise the following powers, in relation to Council Tax under the Local Government Finance Act 1992 and the Council Tax (Administration and Enforcement) Regulations 1992:-</p> <ol style="list-style-type: none"> <li>1. to decide that a dwelling is a chargeable dwelling</li> <li>2. to decide that a person is liable to pay or is exempt from payment of Council Tax</li> <li>3. to decide that a person may be disregarded for the purposes of discount entitlement</li> <li>4. to calculate the amount a person is liable to pay by way of Council Tax</li> <li>5. to issue and serve a completion notice in respect of any new dwelling</li> <li>6. to consider appeals in respect of liability, completion dates, or the amount a person is liable to pay by way of Council Tax, or the imposition of a penalty</li> <li>7. to represent the council at the Bedfordshire Valuation Tribunal</li> <li>8. to impose a penalty in respect of the non-supply of information or the supply of information which the Billing and Recovery Manager believes to be knowingly inaccurate in a material particular</li> <li>9. to quash a penalty imposed under (8) above</li> </ol>	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	<ol style="list-style-type: none"> <li>10. to request information from any resident, owner, managing agent or public body for the purposes of identifying liable persons or exempt dwellings</li> <li>11. to supply information to any other billing authority for the purposes of the exercise by them of their functions</li> <li>12. to make enquiries as to whether a dwelling is or has been an exempt dwelling</li> <li>13. to issue and serve demand notices, reminder notices, joint taxpayer notices, penalty notices, adjustment notices, and final notices</li> <li>14. to make alternative agreements for payments other than the statutory instalment scheme</li> <li>15. to collect and receive payments</li> <li>16. to make complaint for the issue of a summons</li> <li>17. to issue and serve summonses</li> <li>18. to request employment and financial information following the issue of a liability order</li> <li>19. to institute legal proceedings in respect of the non-supply of, or the supply of false, employment or financial information</li> <li>20. to make and serve an Attachment of Earnings Order</li> <li>21. to make and serve an order discharging an Attachment of Earnings Order</li> <li>22. to institute legal proceedings against an employer who fails to comply with an Attachment of Earnings Order</li> <li>23. to make application for the deduction of sums from income support or job seekers allowance</li> <li>24. to make an order for the attachment of an elected member's allowances</li> <li>25. to discharge an order in respect of an attachment of an elected member's allowances</li> <li>26. to issue and send a Compliance Notice</li> <li>27. to take control of Goods</li> <li>28. to apply for the issue of a warrant of commitment</li> <li>29. to institute bankruptcy or winding up proceedings under the Insolvency Act 1986 and</li> <li>30. to apply for the imposition of a charging order</li> </ol>	
<b>2/029</b>	<p>To exercise the following powers in relation to non- domestic rates, under the Local Government Finance Act 1988 and the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989:-</p>	

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
	<ol style="list-style-type: none"> <li>1. to decide that a person is liable to pay or exempt from payment of occupied or unoccupied Non-Domestic Rates</li> <li>2. to calculate the amount a person is liable to pay by way of non-domestic rates</li> <li>3. to issue and serve a completion notice in respect of any new dwelling</li> <li>4. to require the Valuation Officer to apportion the rateable value of any partly occupied hereditament</li> <li>5. to consider appeals in respect of completion dates</li> <li>6. to represent the council at the Bedfordshire Valuation Tribunal</li> <li>7. to issue and serve demand notices, further (reminder) notices, adjustment notices, and reminder (final) notices</li> <li>8. to make alternative agreements for payments other than the statutory instalment scheme</li> <li>9. to collect and receive payments</li> <li>10. to make complaint for the issue of a summons</li> <li>11. to issue and serve summonses</li> <li>12. to take control of Goods</li> <li>13. to apply for the issue of a warrant of commitment</li> <li>14. to institute bankruptcy or winding up proceedings under the Insolvency Act 1986 and</li> <li>15. to institute legal proceedings for the recovery of an unpaid sum of Non-Domestic Rates</li> </ol>	
<p><b>2/030</b></p>	<p>To exercise the following powers, in relation to Housing Benefit and Council Tax Benefit overpayments, under the Social Security Administration Act 1992 and the Housing Benefit (General) Regulations 1987:-</p> <ol style="list-style-type: none"> <li>1. to determine the rate of recovery</li> <li>2. to recover overpaid Housing or Council Tax Benefit by deductions from on-going Housing Benefit, arrears of benefit owed, deductions from a landlord's personal benefit, or from the Housing Benefit of tenants unrelated to the overpayment</li> <li>3. to request the recovery of an overpayment from Social Security benefits</li> <li>4. to issue a demand for payment and take subsequent recovery action</li> <li>5. to register an overpayment as an order of court</li> <li>6. to recover an administrative penalty</li> <li>7. to collect and receive payments</li> </ol>	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	8. to institute legal proceedings for the recovery of an unpaid overpayment and 9. to institute bankruptcy or winding up proceedings under the Insolvency Act 1986	
<b>2/031 FC</b>	Authority to approve and return to Central Government the annual National Non Domestic Rates Return (NNDR1 form).	Subject to prior consultation with the Portfolio Holder for Finance.

### The Head of Revenues and Benefits

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/032 AU/GOV</b>	The issuance of Administrative Penalties and Civil Penalties under the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013 as an alternative to prosecution.	

### The Service Director, Citizen Engagement and Legal Services

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/033</b>	To approve the use, either on payment of, free of charge, of Committee Rooms by approved organisations or bodies.	The delegation does not permit approval of the use of Committee Rooms by political parties.
<b>2/034</b>	To deal with applications for grants under the council's scheme for grant-aid approved voluntary organisations.	
<b>2/035 AD/REG</b>	To take such action as is necessary either to add or to remove the name of any person from either the list of Experienced Members or Lay Members able to sit on the Luton Independent Education Admission Appeal Panel or from the list of Members able to sit on the Luton Independent Education Exclusion Review Panel.	
<b>2/036 AD/REG</b>	To appoint persons from the relevant list of members to sit on an individual Luton Independent Education Admission Appeal Panel or on an individual Luton Independent Education Exclusion Review Panel.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/037 AD/REG</b>	To appoint appropriately qualified persons to act as the clerk to the Luton Independent Admission Appeal Panel and to the Luton independent Exclusion Review Panel whether in either case relating to an appeal or review in respect of a maintained school or otherwise.	

### The Head of Legal Services

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/038</b>	To terminate, renew and assign leases, except in those cases where an assignment involves a change of use of the land or premises.	At the request of the Director of Property and Infrastructure.
<b>2/039</b>	To serve notices under the Dutch Elm Disease (Local Authorities (Amendment)) Order 1971, and, as and where necessary, to execute works in default and to institute proceedings for failure to comply.	
<b>2/040</b>	To apply for the grant or as the case may be, renewal or transfer of any permit in force under Section 34 of and Schedule 9 to the Gaming Act 1968 relating to the provision of amusements with prizes by means of machine.	At the request of the Director of Neighbourhood Services.
<b>2/041</b>	To serve appropriate Notices from time to time under the Agricultural Holdings Act 1948, to enable the Director of Property and Infrastructure to review the rent of the various agricultural tenancies.	
<b>2/042</b>	To enter into agreements to payment by instalments to reimburse council expenses incurred in executing works in default under the Public Health Acts 1936-1961.	After consulting the Director of Finance, Revenues and Benefits.
<b>2/043</b>	To enter into agreements under Section 38 of the Highways Act 1980 and Section 104 of the Water Industry Act 1991.	After consulting the Director of Property and Infrastructure.
<b>2/044</b>	To take the necessary action to make minor adjustments or suspensions under the Advance Payments Code, the Highways Act 1980.	After consulting the Director of Property and Infrastructure.
<b>2/045</b>	To implement the legal transfer stage of Right to Buy sales (including procedures such as rent to mortgage or shared ownership).	
<b>2/046</b>	To deal with the procedures defined in Part XVI of the Housing Act 1985 for the repurchase of defective dwellings.	Except those delegated to the Director of Property and Infrastructure.



<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/047</b>	To determine applications for postponement of discount charges in favour of subsequent mortgages under the Right to Buy or Cash Incentive Scheme.	
<b>2/048</b>	To implement the discount repayment provisions of the Right to Buy.	Where the repayment discount is to be reduced or waived on the ground of financial hardship, after consulting with the Director of Housing and in accordance with any guidance of the Secretary of State and subject to a right of appeal to the Housing Appeal and Review Panel.
<b>2/049</b>	To approve assignments of leases of shops.	At the request of the Director of Property and Infrastructure.
<b>2/050</b>	To serve notices terminating leases or licences of properties or land where such leases or licences were granted on a short term basis or for periods of less than 3 years and, as appropriate, to instruct the Director of Property and Infrastructure to negotiate a renewal of such leases or licences.	At the request of the Director of Property and Infrastructure.
<b>2/051</b>	To take steps to secure a legal charge against property owned by a person in or to be taken into residential care.	At the request of the Director of Adult Social Services.
<b>2/052</b>	To use Compulsory Purchase Powers where appropriate for properties which have been empty for a significant amount of time or have potential or actual structural failure or are causing nuisance within the neighbourhood or are infested with rodents or vermin (or a combination of these factors) and cannot be dealt with by the use of the Enforced Sale procedure on long term empty homes where appropriate or the use of Empty Dwelling Management Orders on appropriate dwellings which have been empty for an unreasonable time and are suitable for this action.	At the request of the Service Director, Housing, the Executive having approved use of the Council's CPO powers.
<b>2/053</b>	To exercise the council's powers in relation to the: Administration of Justice Act 1970; and the Solicitors Act 1974	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/054</b>	To exercise the council's powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and any subsidiary legislation promulgated thereunder.	
<b>2/055</b>	To exercise any power delegated to the Principal Solicitors in respect of Executive and non-Executive functions.	

### The Principal Solicitors

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/056</b>	To prosecute for offences both under statute and at common law and institute proceedings.	
<b>2/057</b>	To exercise the powers contained in the Local Land Charges Act 1975.	
<b>2/058</b>	To institute proceedings in order to ensure compliance with the Sunday Trading Act 1994	At the request of Director of Neighbourhood Services.
<b>2/059</b>	To issue, serve directions and commence proceedings in the Magistrates Court under Sections 77 and 78, of the Criminal Justice and Public Order Act 1994, where appropriate, take into account the guidance in Department of the Environment Circular 18/94 or any other replacement guidance issued from time to time, and to implement any order of the Magistrates Court obtained.	
<b>2/060</b>	To authorise any officer of the council to appear in Court under the provisions of Section 223 of the Local Government Act 1972.	
<b>2/061</b>	To make arrangements, under Section 101 of the Local Government Act 1972, for another local authority to prosecute any person for an offence alleged to have been committed in the Borough of Luton, where such an offence is one in respect of which the a Principal Solicitor has delegated authority to prosecute.	
<b>2/062</b>	To apply to the Magistrates' Court for Anti-Social Behaviour Orders under the Crime and Disorder Act 1998 and to take action under the Anti-Social Behaviour Act 2003 in accordance with the council's Anti-Social Behaviour Protocol and to take action under the Anti-Social Behaviour Act 2003.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/063</b>	To take any action, in any circumstances which she/he considers necessary in regard to any land or premises owned or occupied by, or let to the council, including, but not limited to the issuing of any statutory or other legal notice in relation to such land or premises or in relation to any interest in such land or premises, the taking of any steps to obtain possession of such land or premises and the institution of any proceedings in relation to such land or premises.	
<b>2/064</b>	In cases of rent or site charge arrears, to:- <ol style="list-style-type: none"> <li>1. serve Notices to Quit or Notices of Seeking Possession or to make applications to the County Court for permission to terminate site agreements (Municipal Caravan Site)</li> <li>2. institute proceedings for possession</li> <li>3. take any other action as necessary</li> </ol>	At the request of the Service Director, Housing.
<b>2/065</b>	To exercise the council's powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and any subsidiary legislation promulgated thereunder.	
<b>2/066</b>	To make applications under the Mental Capacity Act 2005, and under the Trustee Act 1925, and Trusts of Land and Appointment of Trustees Act 1996.	
<b>2/067</b>	To institute proceedings under the Mental Health Act 1983	
<b>2/068</b>	To issue and defend proceedings and make applications under the Children Act 1989, Children Act 2004, Children (Leaving Care) Act 2000, Adoption and Children Act 2002, Family Law Act 1996, Children and Young Persons Act 2008, Senior Court Act 1981 and the Forced Marriage (Civil Protection) Act 2007 and the Care Planning, Placement and Case Review (England) Regulations 2010.	
<b>2/069 DM</b>	To prepare and issue all notices relevant to the powers contained in 2/284, 2/288, 2/289 and 2/292 as well as orders to deal with matters relating to the preservation of trees contained in 2/291.	Provided that written instructions of the Head of Planning have been received.

The Corporate Director, Children, Families & Education

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/070</b>	Subject to Regulations, to co- ordinate statements of proposed action in light of a Joint Area Review report, in consultation with partners under Section 20(9)(d) Children Act 2004.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/071</b>	To apply, or instruct a Principal Solicitor to apply, to the Magistrates Court for Anti- Social Behaviour Orders under the Crime and Disorder Act 1998 in accordance with the council's Anti-Social Behaviour Protocol.	

### The Director of Children's Operations

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/072</b>	To make and sustain arrangements to promote cooperation between the council and its partner organisations to improve the wellbeing of children in the authority's area under Section 10, Children Act 2004.	Subject to consultation with the relevant Executive Portfolio holder.
<b>2/073</b>	To make arrangements to ensure the authority's functions are discharged having regard to the need to safeguard and promote the welfare of children under Section 11, Children Act 2004.	
<b>2/074</b>	To establish, maintain and operate a database of basic information on all children in the authority or, if the duty to create a database or databases is placed on another body, to participate in its operation under Section 12, Children Act 2004.	
<b>2/075</b>	Under the Children Act 2004, as amended by the Children and Social Work Act 2017 ( Section 16), to establish a Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members', and partners' activities, for the purpose of safeguarding and promoting the welfare of children in the authority's area.	
<b>2/076</b>	To prepare and publish a Children and Young People's Plan (CYPP) to set out the authority's strategy for discharging their functions in relation to children and young people under Section 17, Children Act 2004.	
<b>2/077</b>	To arrange for the seconding of at least one children's social worker and at least one education professional to the Youth Offending Team under Section 39(5) of the Crime and Disorder Act 1998.	
<b>2/078</b>	To promote the educational achievement of looked after children under Section 22(3A) of the Children Act 1989.	
<b>2/079</b>	To provide the Secretary of State, if the council is so directed, with information on individual children under Section 83(4A) of the Children Act 1989.	

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
2/080	To approve new Instruments of Government in relation to schools.	
2/081	<p>To make discretionary allowances and to meet expenditure in connection with the boarding out of children, as follows:-</p> <ol style="list-style-type: none"> <li>1. to make an additional allowance up to double the basic rate for the age in the case of children requiring special skilled care, children with special needs and difficult children</li> <li>2. to authorise retaining fees to be paid to foster parents when a child is absent in hospital or for some other special reason or</li> <li>3. to make provision for other items of expenditure, e.g. additional fares to school or a bicycle in lieu, fees for playgroup or day nursery, fees for evening classes, school journeys, wedding presents, etc. and to cover expenses incurred because of visits and other contacts with a child's own parents</li> <li>4. to make provision for other items of expenditure, e.g. additional fares to school or a bicycle in lieu, fees for playgroup or day nursery, fees for evening classes, school journeys</li> <li>5. wedding presents, etc. and to cover expenses incurred because of visits and other contacts with a child's own parents</li> </ol>	
2/082	To approve payments to foster parents in respect of damage or loss sustained by them arising from the actions of children in care.	Subject to no payment exceeding £1,000.
2/083	To approve, or refuse, applications for children looked after by the authority, to be placed in secure accommodation.	
2/084	To consider and determine all requests from clients for access to their social services records compiled prior to 1 April 1985.	
2/085	To approve, or refuse, the registration of residential and day care services under both the Registered Homes Act 1984 and the Children Act 1989.	
2/086	To procure the provision of residential care or other forms of social care.	Up to a limit in any single case of £100,000 per year
2/087	To apply, or instruct a Principal Solicitor to apply, to the Magistrates Court for Anti- Social Behaviour Orders under the Crime and Disorder Act 1998 in accordance with the council's Anti-Social Behaviour Protocol.	Subject to prior consultation with the relevant Portfolio Holder.

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/088</b> <b>AD/REG</b>	To approve the employment of children.	

### The Director of Education

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/089</b>	The assessment of and provision for pupils with special educational needs under the Education Act 1996.	
<b>2/090</b>	To determine whether to provide transport and other facilities for pupils with statements of special educational needs under Section 509 of the Education Act 1996.	
<b>2/091</b>	The provision of education at non-maintained schools under Section 18 of the Education Act 1996.	
<b>2/092</b>	To assist with the provision of clothing and maintenance under the Education Act 1996.	
<b>2/093</b>	To exercise discretion in waiving day nursery charges where hardship would result or in the interest of particular children.	
<b>2/094</b>	The service of school attendance orders and the enforcement of school attendance under Section 437 of the Education Act 1996.	
<b>2/095</b>	To apply for an education supervision order under Section 437 of the Education Act 1996.	
<b>2/096</b>	To allocate places to children applying for admission to community schools.	
<b>2/097</b>	To direct schools to admit children under Sections 96 and 97 of the Schools Standards and Framework Act 1998.	
<b>2/098</b>	To determine whether to provide transport and other facilities for pupils other than those with statements of special educational need under Section 509 of the Education Act 1996.	
<b>2/099</b>	To make arrangements for the election of school governors under Schedule 11 of the School Standards and Framework Act 1998.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/100</b>	To enter into any Commercial Transfer Agreement (CTA) in accordance with the Academies Act 2010 as amended from time to time.	Subject to providing the Academy Order from the Department for Education.
<b>2/101</b>	To appoint a person as a Governor of a Local Education Authority Maintained School, or of such other school or educational institution for which the Local Education Authority is the appointing authority, where in any case a meeting of the body to which the appointment is to be made is scheduled to take place on or before the date of the next ordinary meeting of the Executive.	After consulting the relevant Portfolio Holder.

### The Service Director, Quality and Improvement

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/102</b>	To exercise the council's powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and any subsidiary legislation promulgated thereunder.	

### The Corporate Director, Inclusive Economy

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/103</b>	To apply, or instruct a Principal Solicitor to apply, to the Magistrates Court for Anti- Social Behaviour Orders under the Crime and Disorder Act 1998 in accordance with the council's Anti-Social Behaviour Protocol.	

### The Director of Neighbourhood Services

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/104</b>	To exercise the Council's functions, powers and duties in relation to a relevant enactment and any Directive of Regulations made under those Acts together with any other relevant current legislation for the time being in force.	<ol style="list-style-type: none"> <li>For the purposes of this delegation 'a relevant enactment' means any of the following enactments or any enactment which amends, re-enacts or consolidates any of the following enactments or any Regulations made under any of the following enactments:- <ul style="list-style-type: none"> <li>Accommodation Agencies Act 1953</li> </ul> </li> </ol>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<ul style="list-style-type: none"> <li>• Agriculture (Miscellaneous Provisions) Act 1968</li> <li>• Alkali and Works (Regulations) Act 1954</li> <li>• Animal By-Products (Enforcement) (England) Regulations 2011</li> <li>• Animal Health Act 1981</li> <li>• Animal Health and Welfare Act 1984</li> <li>• Animal Welfare Act 2006</li> <li>• Anti-Social Behaviour Act 2003</li> <li>• Building Act 1984</li> <li>• Cancer Act 1939</li> <li>• Children and Young Persons (Protection from Tobacco) Act 1991</li> <li>• Children and Young Persons Act 1933</li> <li>• Clean Air Act 1993</li> <li>• Clean Neighbourhoods and Environment Act 2005</li> <li>• Companies Act 2006</li> <li>• Consumer Credit Acts 1974 and 2006</li> <li>• Consumer Protection Act 1987</li> <li>• Control of Pollution Act 1974</li> <li>• Copyright Designs and Patents Act 1988</li> <li>• Countryside Act 1968</li> <li>• Courts and Legal Services Act 1990 (Sections 104-107 only)</li> <li>• Crime and Disorder Act 1998</li> <li>• Criminal Attempts Act 1981</li> <li>• Criminal Justice and Police Act 2001</li> <li>• Dangerous Wild Animals Act 1976</li> <li>• Dangerous Dogs Acts 1989 and 1991</li> <li>• Dangerous Dogs (Amendment) Act 1997</li> <li>• Data Protection Act 1998</li> <li>• Development of Tourism Act 1969</li> <li>• Disability Discrimination Act 1995</li> <li>• Dogs Act 1906</li> <li>• Dogs (Fouling of Land) Act 1996</li> <li>• Dogs (Protection of Livestock) Act 1953</li> <li>• Education Reform Act 1988</li> </ul>



<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
		<ul style="list-style-type: none"> <li>• Energy Acts 1976, 1983 and 2004</li> <li>• Enterprise Act 2002</li> <li>• Environment Acts 1995 and 2021</li> <li>• Environmental Protection Act 1990</li> <li>• Estate Agents Act 1979</li> <li>• European Communities Act 1972</li> <li>• Fireworks Acts 2003 (Section 12)</li> <li>• Food Act 1984</li> <li>• Food and Environmental Protection Act 1985</li> <li>• Food Safety Act 1990</li> <li>• Forgery and Counterfeiting Act 1981</li> <li>• Fraud Act 2006</li> <li>• Gambling Act 2005</li> <li>• Game Licences Act 1860</li> <li>• Ground Game Act 1880</li> <li>• Guard Dogs Act 1975</li> <li>• Hallmarking Act 1973</li> <li>• Hares Act 1848</li> <li>• Health and Safety at Work etc. Act 1974</li> <li>• Highways Act 1980</li> <li>• Health Act 2006</li> <li>• House to House Collections Acts 1939 and 1947</li> <li>• Housing Act 1984</li> <li>• Housing Acts 1985 and 2004</li> <li>• Insurance Brokers (Registration) Act 1977</li> <li>• Intoxicating Substances (Supply) Act 1985</li> <li>• Knives Act 1997</li> <li>• Land Drainage Act 1976</li> <li>• Licensing Act 2003</li> <li>• Litter Act 1983</li> <li>• Local Government Acts 1933, 1972, 1981 and 2000</li> <li>• Local Government and Housing Act 1989</li> <li>• Local Government (Miscellaneous Provisions) Acts 1976 and 1982</li> <li>• Lotteries and Amusements Act 1976</li> </ul>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<ul style="list-style-type: none"> <li>• Malicious Communications Act 1988</li> <li>• Marriages and Civil Partnerships (Approved Premises) Regulations 2005</li> <li>• Medicines Act 1968</li> <li>• Motorcycles Noise Act 1987</li> <li>• Motor Vehicles (Safety Equipment for Children) Act 1991</li> <li>• National Lotteries Act 1993</li> <li>• Noise and Statutory Nuisance Act 1993</li> <li>• Noise Act 1996</li> <li>• Non-automatic Weighing Instruments Regulations 2000</li> <li>• Offensive Weapons Act 1996</li> <li>• Offices, Shops and Railway Premises Act 1963</li> <li>• Open Spaces Act 1906</li> <li>• Petroleum (Consolidation) Act 1928</li> <li>• Petroleum (Transfer of Licences) Act 1936</li> <li>• Poisons Act 1972</li> <li>• Police and Criminal Evidence Act 1984</li> <li>• Police, Factories etc (Miscellaneous Provisions) Act 1916</li> <li>• Pollution Prevention and Control Act 1999 together with the Pollution Prevention and Control (England and Wales) Regulations 2000</li> <li>• Prevention of Damage by Pests Act 1949</li> <li>• Prices Act 1974</li> <li>• Private Security Industry Act 2001</li> <li>• Proceeds of Crime Act 2002</li> <li>• Protection of Animals Act 1911</li> <li>• Protection of Badgers Act 1992</li> <li>• Protection from Harassment Act 1997</li> <li>• Public Health Acts 1936 and 1961 (Section 73 only)</li> <li>• Public Health (Control of Diseases) Act 1984</li> <li>• Refuse Disposal (Amenity) Act 1978</li> </ul>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<ul style="list-style-type: none"> <li>• Regulation of Investigatory Powers Act 2000</li> <li>• Removal and Disposal of Vehicles Regulations 1986</li> <li>• Road Traffic Acts 1972, 1988 and 1991</li> <li>• Road Traffic (Consequential Provisions) Act 1988</li> <li>• Road Traffic (Foreign Vehicles) Act 1972</li> <li>• Road Traffic Offenders Act 1988</li> <li>• Scrap Metal Dealers Act 2013</li> <li>• Slaughter Houses Act 1974</li> <li>• Slaughter of Poultry Act 1987</li> <li>• Sunday Trading Act 1994</li> <li>• Theft Act 1968 and 1978</li> <li>• Timeshare, Holiday Product, Resale and Exchange Contracts Regulations 2010</li> <li>• Tobacco Advertising and Promotion Act 2002</li> <li>• Town and Country Planning Act 1990 (in relation to the Control of Advertisements)</li> <li>• Town Police Clauses Act 1847</li> <li>• Trade Descriptions Act 1968</li> <li>• Trade Marks Act 1994</li> <li>• Traffic Management Act 2004</li> <li>• Unfair Contract Terms Act 1977</li> <li>• Unsolicited Goods and Services Acts 1971 and 1975</li> <li>• Vehicle Excise Duty (Immobilisation, Removal and Disposal) Regulations 1997</li> <li>• Video Recordings Acts 1984 and 2010</li> <li>• Violent Crime Reduction Act 2006</li> <li>• Weights and Measures Acts 1976 and 1985</li> <li>• Wildlife and Countryside Act 1981</li> <li>• Zoo Licensing Act 1981</li> </ul>

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
		<p>2. Delegation 2/011 shall not apply in any case where the Chief Executive or the Head of Legal Services or a Principal Solicitor has power delegated to him or her to exercise a function under the legislation referred to.</p> <p>3. The Delegations in relation to the Gambling Act 2005 shall only have effect insofar as no other Delegation is in force in relation to the same matter.</p>
<b>2/105</b>	To authorise any officer of the council to make purchases of alcohol for the purposes of the discharge of the council's duties under the Licensing Act 2003.	
<b>2/106</b>	To take such action as is necessary for and to authorise any young person or child to make purchases of alcohol for the purposes of the discharge of the council's duties under the Licensing Act 2003.	
<b>2/107</b>	To let market stalls.	
<b>2/108</b>	To act or to authorise another officer of the council to act as the council's Chief Inspector of Weights and Measures and be responsible for the safe custody and maintenance of the council's Local and Working Standards as maintained by the council under the Weights and Measures Act 1985.	
<b>2/109</b>	To operate a Consumer Advice Service.	
<b>2/110</b>	To recruit (on such basis as the Director of Neighbourhood Services may determine) members of the public, including persons under 18 years of age and children, to make test purchases on behalf of the council.	
<b>2/111</b>	To make arrangements, under Section 101 of the Local Government Act 1972, for another local authority to prosecute any person for an offence alleged to have been committed in the Borough of Luton, where the alleged offence is an offence under a statute which the Service Director, Business and Consumer Services has delegated authority to enforce.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/112</b>	To make representations on behalf of the council as 'a responsible authority' under the Licensing Act 2003 or the Gambling Act 2005.	
<b>2/113</b>	To determine the charge to be made for the supply of publications in relation to regeneration and intended to be made available to the public.	
<b>2/114</b>	To exercise the council's powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and any subsidiary legislation promulgated thereunder	
<b>2/115</b>	To enforce the Consumer Rights Act 2015, the Enterprise and Regulatory Reform Act 2013 and the Climate Change Act 2008, in so far as such powers are the responsibility of the Executive.	
<b>2/116</b>	To enforce the following provisions of the Environmental Protection Act 1990.  The unauthorised Deposit of Waste (Fixed Penalties) Regulation 2016 as amended further to the Deregulation Act 2015 - Household Waste: decriminalisation	
<b>2/117</b>	To cancel excess charge notices issued in relation to car parks, on-street parking and bus lane enforcement.	
<b>2/118</b>	To take such action as is necessary under Sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005.	
<b>2/119</b>	To determine reasonable charges in relation to the commercial waste collection service	
<b>2/120</b>	To waive charges for special collections of bulky household refuse.	
<b>2/121</b>	To waive charges in respect of disposal charges, abandoned vehicle charges	
<b>2/122</b>	To exercise the council's powers contained in the following enactments:-  1. Litter Act 1983 (except those provisions relating to Non-Executive functions)	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	<ol style="list-style-type: none"> <li>2. Refuse Disposal (Amenity) Act 1978</li> <li>3. Environmental Protection Act 1990 - Sections 34, 35, 37, 40, 42, 44A, 45, 46, 47, 48, 49, 50, 51, 52, 55, 59, 60, 63, 75, 87, 88, 89, 90, 91, 95</li> <li>4. Schedule 4 Environment Act 1995 - Sections 93, 94 and 95</li> <li>5. Clean Neighbourhoods and Environment Act 2005 - Sections 3 and 4</li> </ol>	
<b>2/123</b>	To determine applications for the temporary use of parks, recreation grounds and open spaces.	Subject to local Ward Councillors being informed.
<b>2/124</b>	To let games areas, etc., at prescribed fees.	
<b>2/125</b>	To issue grants of grave spaces and approval of inscription in Book of Remembrance and Memorials.	
<b>2/126</b>	To instruct a Principal Solicitor to issue and serve directions under Section 77 and to commence proceedings in the Magistrates Court under Section 78 of the Criminal Justice and Public Order Act 1994.	
<b>2/127</b>	To approve requests for Grave Maintenance Agreements for 100 years at the cemeteries of the council at the fee contained in the Scale of Charges.	
<b>2/128 AD/REG</b>	To serve Improvement and Emergency Prohibition Notices Under Sections 10 and 12 of the Food Safety Act 1990.	
<b>2/129 AD/REG</b>	All powers under the European Communities Act 1972 or Regulations made under that Act in relation to food hygiene, food standards, food safety, imported food and animal feed.	
<b>2/130 AD/REG</b>	<p>To serve Statutory Notices in respect of the execution of works in default and recovery and apportionment of expenses arising from the following statutes:-</p> <ol style="list-style-type: none"> <li>1. Control of Pollution Act 1974 and</li> <li>2. Clean Air Act 1993</li> </ol>	Delegation 2/008 shall not apply in any case where the Chief Executive or the Head of Legal Services has delegated power to serve such notices.

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/131 AD/REG</b>	To issue permissions for street and house to house collections in accordance with the council's Standard Conditions.	
<b>2/132 AD/REG</b>	Registration of persons and premises for the purpose of carrying on the business of acupuncture, tattooing, ear- piercing and electrolysis.	
<b>2/133 AD/REG</b>	<p>To exercise the Council's powers under the following legislation for the purposes of the relevant functions within the Borough of Luton or within the area or areas of any or all of Bedford Borough Council and Central Bedfordshire Council:</p> <ol style="list-style-type: none"> <li>1. Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</li> <li>2. Dangerous Wild Animals Act 1976</li> <li>3. Gambling Act 2005</li> <li>4. House to House Collections Act 1939 and 1947</li> <li>5. Licensing Act 2003</li> <li>6. Local Government (Miscellaneous Provisions) Act 1976 (Part II)</li> <li>7. Local Government (Miscellaneous Provisions) Act 1982</li> <li>8. Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (Section 5 only)</li> <li>9. Scrap Metal Dealers Act 2013</li> <li>10. Town Police Clauses Act 1847</li> <li>11. Zoo Licensing Act 1981</li> </ol>	
<b>2/134 AD/REG</b>	To seize and dispose of vehicles used for illegal waste disposal under section 5 of the Control of Pollution (Amendment) Act 1989.	
<b>2/135 AD/REG</b>	To maintain a register under the Medicines Act 1968.	
<b>2/136 AD/REG</b>	To refuse acceptance of any application for any licence which is incomplete, filled out incorrectly or outside any formal time limit required by legislation.	

Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/137 AD/REG</b>	To determine claims under Smoke Control Orders. Determination of Applications under Section 6 of the Clean Air Act 1968.	
<b>2/138 AD/REG</b>	Approval of prior consents to work on construction sites and conditions to be attached thereto under Section 61 of the Control of Pollution Act 1974.	
<b>2/139 AD/REG</b>	The functions powers and duties of the council in respect of the Environment Act 1995 Part IV and Sections 108 to 110, 113 and 123 of Part V.	
<b>2/140 8 AD/REG</b>	To issue any licences/certificates and/or make and keep any registration of persons or premises in pursuance of the following Acts and where appropriate collect fees for the issue or variation of such licences and certificates:  1. Environmental and Safety Information Act 1988 2. Poisons Act 1972	
<b>2/141 AD/REG</b>	To take such action as is necessary to comply with the duty imposed on the council by the Vehicles (Crime) Act 2001.	
<b>2/142 AD/REG</b>	Power to enforce against offences under Part 1 Health Act 2006 (smoking restrictions).	
<b>2/143 AD/REG</b>	Power to transfer enforcement functions to another enforcement authority under the Smoke-free (Premises and Enforcement) Regulations 2006.	
<b>2/144 AD/REG</b>	Authority, where sufficient information is available prior to a noisy or pay party to enable an injunction to be obtained including:-  1. to instruct counsel to take any necessary action	



<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	<ol style="list-style-type: none"> <li>2. to take proceedings in the High Court under Section 222 of the Local Government Act 1972 including injunction proceedings and such other action as counsel may advise to prevent within the Borough of Luton any persons from committing or attempting to commit an offence or offences contrary to Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982</li> <li>3. to take proceedings under Sections 80 and 81 of the Environmental Protection Act 1990, including injunction proceedings and such other action as counsel may advise when an offence has been committed under Section 80(4) of the said Act and it is unlikely that proceedings for the offence would afford an adequate remedy in the case of a noise nuisance and</li> <li>4. in interlocutory proceedings to give an undertaking as to damages on behalf of the council where this is specifically required</li> </ol>	
<b>2/145 LIC</b>	To grant, vary, refuse, revoke or add condition to a site or collector's licence under the Scrap Metal Dealers Act 2013.	Delegation 2/150 is subject to there being no representations made.
<b>2/146 LIC</b>	To ensure the details of all grants, variations, refusals and revocations of scrap metal licences are transmitted to the Environment Agency for entry on the National Register.	
<b>2/147 AD/REG</b>	To serve statutory notices execute works in default, recover and apportion expenses and any other powers and duties of the Council in respect of the Environment Act 1995 Part II, Sections 45, 51 to 57, 59 to 60 and Part IV, 86 to 90, 92, 93, 95 to 99.	

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
<p><b>2/148</b> <b>AD/REG</b></p>	<p>To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.</p>	<p>Compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the council's Convictions Policy.</p> <p>Where the Director of Neighbourhood Services or any other officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the chair of the Administration and Regulation Committee as to the future conduct of the review.</p>

The Head of Neighbourhood Delivery

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
<p><b>2/149</b> <b>AD/REG</b></p>	<p>To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.</p>	<ol style="list-style-type: none"> <li>1. Compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the council's Convictions Policy.</li> <li>2. Where the Head of Neighbourhood Delivery or any other officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the chair of the Administration and Regulation Committee as to the future conduct of the review.</li> </ol>

The Head of Public Protection

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
<b>2/150 AD/REG</b>	To grant, renew, suspend or revoke Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences or to grant, renew, suspend or revoke Private Hire Drivers' Licences, Private Hire Vehicle Licences and Private Hire Operators' Licences.	<ol style="list-style-type: none"> <li>1. Compliance with the Council's Standard Conditions in relation to the grant and renewal of Hackney Carriage Drivers' Licences and Hackney Carriage Vehicle Licences and in relation to the grant and renewal of Private Hire Drivers' Licences, Private Hire Vehicles' Licences and Private Hire Operators' Licences, together in each case with the council's Convictions Policy.</li> <li>2. Where the Head of Public Protection or any other officer to whom any like power is delegated under this Scheme of Delegation or otherwise is unable to make a decision upon a review within 3 months (s)he shall consult with the chair of the Administration and Regulation Committee as to the future conduct of the review.</li> </ol>
<b>2/151 LIC</b>	Under the Licensing Act 2003, power to grant and to vary premises licences and club premises certificates and to issue provisional statements.	Only applies where no relevant representations are made.
<b>2/152 LIC</b>	Under the Licensing Act 2003 power to vary a premises licence to specify a new premises supervisor.	Where no Police objection is made.
<b>2/153 LIC</b>	Under the Licensing Act 2003 to grant or reject applications for transfer of premises licences where such grant or rejection is mandatory.	
<b>2/154 LIC</b>	Under the Licensing Act 2003 to decide whether a representation made is irrelevant, frivolous or vexatious.	
<b>2/155 LIC</b>	Under the Licensing Act 2003 to issue to relevant premises users counter notices when permitted limits have been exceeded for Temporary Event Notices.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/156 LIC</b>	Under the Licensing Act 2003 to reject any ground for review of a premises licence or club premises certificate if satisfied that the ground is not relevant to one or more of the licensing objectives, the ground is frivolous or vexatious or the ground is a repetition.	After consulting with the Chair and Vice Chair of the Licensing Committee.
<b>2/157 LIC</b>	Under the Licensing Act 2003, to take all necessary action in respect of the exercise of the council's functions with regard to enforcement.	
<b>2/158 LIC</b>	Under the Gambling Act 2005, power to grant applications for premises licences, for variation or transfer of premises licences, and for Provisional Statements.	Where no representations under Section 161 of the Gambling Act 2005 are received or where any such representations have been withdrawn.
<b>2/159 LIC</b>	Under the Gambling Act 2005, power to grant applications for club gaming and club machine permits.	
<b>2/160 LIC</b>	Under the Gambling Act 2005 authority to grant applications for family entertainment centre gaming machine permits, licensed premises gaming machine permits, and prize gaming permits.	
<b>2/161 LIC</b>	Under the Gambling Act 2005 authority to grant applications for the grant or renewal of permits for amusement with prizes gaming machines, commercial amusement with prizes or low stake gaming on alcohol premises under the Gaming Act 1968 as amended by the Licensing Act 2003.	
<b>2/162 LIC</b>	Under the Gambling Act 2005 to set fees where appropriate.	
<b>2/163 LIC</b>	Under the Gambling Act 2005 authority to grant applications for other permits.	
<b>2/164 LIC</b>	Under the Gambling Act 2005 to cancel licensed premises gaming machine permits.	
<b>2/165 LIC</b>	Under the Gambling Act 2005 to serve counter-notices in response to temporary use notices where the maximum permitted period is exceeded.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/166 AD/REG</b>	To approve premises as approved premises for the solemnisation of civil marriages under Section 26(1)(bb) of the Marriage Act 1949 (as amended by the Marriage Act 1994) and The Marriages (Approved Premises) Regulations 1995.	
<b>2/167 AD/REG</b>	To have all the powers of the Proper Officer under the Registration Service Act 1953 and all other relevant enactments with respect to the Registration of Births, Marriages and Deaths.	
<b>2/168 LIC</b>	<p>Under the Gambling Act 2005 to reject applications for the review of premises licences where the grounds on which the review is sought:-</p> <ol style="list-style-type: none"> <li>1. do not raise an issue relevant to the principles to be applied under section 153 Gambling Act 2005</li> <li>2. are frivolous</li> <li>3. are vexatious</li> <li>4. will certainly not cause the Licensing Authority to wish to revoke or suspend the premises licence or to exclude, remove or amend an exclusion or to add, remove or amend a condition</li> <li>5. are substantially the same as grounds specified in an earlier application for review or</li> <li>6. are substantially the same as representations made in relation to the application for the premises licence.</li> </ol>	After consulting the Chair and Vice Chair of the Licensing Committee.
<b>2/169 LIC</b>	To grant, vary, refuse, revoke or add condition to a Site or Collector's Licence under the Scrap Metal Dealers Act 2013.	Subject to there being no representations made.
<b>2/170 LIC</b>	To ensure the details of all grants, variations, refusals and revocations of Scrap Metal Licences are transmitted to the Environment Agency for entry on the National Register.	

## The Director of Property and Infrastructure

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/171</b>	To exercise the powers under Section 14(3) of the Road Traffic Regulation Act 1984 temporarily to prohibit or restrict traffic on roads where urgently necessary owing to the likelihood of danger to the public or of serious damage to the highway.	
<b>2/172</b>	To issue Notices and Orders under the Road Traffic Regulation Act 1984, in respect of the temporary prohibition of traffic as empowered by the Road Traffic (Temporary Restriction) Act 1991, and authority to make Temporary Orders under the Road Traffic Regulation Act 1984 in relation to Notices issued by the public utilities ('concessionaires') under the New Roads and Street Works act 1991.	
<b>2/173</b>	To invoke procedures to make minor deletions or insertions to existing Road Traffic Regulation Orders and the suspension of experimental Traffic Regulation Orders.	
<b>2/174</b>	To make Road Traffic Regulation Orders under the Road Traffic Regulation (Special Events) Act 1994, to close roads for a temporary period for special events.	
<b>2/175</b>	To approve requests for road adoptions including road classification.	
<b>2/176</b>	To issue licences under the New Roads and Street Works Act 1991 and, insofar as the function concerned is not the responsibility of any other Service Director.	
<b>2/177</b>	To introduce Traffic Regulation Orders as necessary to implement Highway Schemes approved by the Executive or schemes required as part of the Development Management process.	
<b>2/178</b>	To determine objections received in relation to proposed Traffic Regulation Orders, where these do not require a Public Inquiry.	After consulting the relevant Portfolio Holder.
<b>2/179</b>	To exercise the council's powers under the Traffic Management Act 2004.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
2/180	To permit openings in the highway by Statutory Undertakers under the New Roads and Street Works Act 1991.	
2/181	To approve requests for the siting of Home Watch signs on the highway.	
2/182	To grant leases or management agreements of allotment land owned by the Council or of temporary allotment land leased by the Council.	
2/183	To serve notice to quit allotments.	
2/184	To approve requests for the hanging of banners in streets.	
2/185	To exercise the council's powers in a relevant enactment	<p>For the purposes of this delegation 'a relevant enactment' means any of the following enactments or any enactment which amends, re-enacts or consolidates any of the following enactments or any Regulation made under any of the following enactments:-</p> <ul style="list-style-type: none"> <li>• Anti-Social Behaviour Act 2003</li> <li>• Clean Neighbourhoods and Environment Act 2005</li> <li>• Climate Change Act 2008</li> <li>• Control of Pollution Act 1974</li> <li>• Countryside Act 1968</li> <li>• Countryside and Rights of Way Act 2000</li> <li>• Dogs (Protection of Livestock) Act 1953</li> <li>• Environment Acts 1995 and 2021</li> <li>• Environmental Protection Act 1990</li> <li>• Health &amp; Safety at Work Act 1974</li> <li>• Highways Act 1980</li> <li>• Litter Act 1983</li> <li>• Sections 16 and 41 Local Government (Miscellaneous Provisions) Act 1976</li> <li>• New Roads and Street Works Act 1991</li> <li>• Open Spaces Act 1906</li> <li>• Public Health Act 1936</li> </ul>

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
		<ul style="list-style-type: none"> <li>• Public Health Act 1961 (Section 73 only)</li> <li>• Police and Criminal Evidence Act 1984</li> <li>• Refuse Disposal Amenity Act 1978</li> <li>• Road Traffic Acts 1972, 1981 and 1988</li> <li>• Road Traffic Regulation Act 1984</li> <li>• Road Traffic Regulations (Special Events) Act 1994</li> <li>• Road Traffic (Temporary Restrictions) Act 1991</li> <li>• Town and Country Planning Act 1990 (in relation to the Control of Advertisements)</li> <li>• Waste and Emissions Trading Act 2003</li> <li>• Wildlife and Countryside Act 1981</li> </ul>
<b>2/186</b>	<p>To negotiate and to finalise terms for:-</p> <ol style="list-style-type: none"> <li>1. the freehold sale of council owned land and premises, and</li> <li>2. the grant of new leases of land and premises (in excess of 25 years for property held in the investment portfolio and in excess of 10 years for all other property)</li> </ol> <p>and to report back to the Executive for approval of the negotiated terms if requested.</p>	<p>Subject to the Executive having approved the principle of such disposal.</p>
<b>2/187</b>	<p>To grant new leases and to approve the terms of such for terms of up to and including 15 years for property held in the investment portfolio and up to and including 5 years for all other property.</p>	
<b>2/188</b>	<p>To approve terms negotiated for leases, licences etc. of council owned land or premises on the renewal of existing terms.</p>	<p>Subject to consultation with the relevant Executive Portfolio holder.</p>
<b>2/189</b>	<p>To grant new leases on new terms for any term of years on council owned property contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954.</p>	



<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/190</b>	To re-negotiate the terms of existing leases for the purposes of maximising income and enhancing capital value.	
<b>2/191</b>	To approve terms negotiated for the acquisition of the freehold or leasehold interest in land or premises.	Subject to the Executive having approved the principle of such acquisition and provision having been made in the approved Capital and/or Revenue Budget.
<b>2/192</b>	To grant licences, easements or tenancies at will for temporary third party use and occupation of council owned property for any period of time.	Subject to local Ward Councillors being informed.
<b>2/193</b>	To grant a wayleave easement or deed of access over council owned land to a third party	
<b>2/194</b>	To negotiate with any lessee of council owned property changes to any absolute clause in the lease in the interests of good estate management.	
<b>2/195</b>	To accept an early surrender of any lease of council owned property in the interests of good estate management or for strategic asset management or regeneration purposes.	
<b>2/196</b>	Authority to appoint bailiffs or to take peaceable re-entry of council owned property as part of the debt management strategy.	Subject to any prior judicial proceedings where necessary.
<b>2/197</b>	To dispose of the freehold interest in any council land which is surplus to requirements:-  1. for the purpose of permitting an extension of a garden, where the value is below £100,000, or,  2. with a market value of up to £200,000	
<b>2/198</b>	To  1. release restrictive covenants (where appropriate) on previously owned council land (subject to consultation with the Service Director, Housing where the land in question was previously housing land including Right to Buy sales) and	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	<p>2. release restrictive covenants (where appropriate) on any land disposed of in pursuance of Delegated Authority 2/097 in either case for the best negotiated consideration up to a value of £100,000 or at nil consideration to avert unnecessary legal action and, to effect this, to enter into any necessary negotiations to agree any terms.</p>	
<b>2/199</b>	To apply for planning permission for development, re-development or change of use of council owned property, or third party property in connection with proposals or projects to further asset management or regeneration objectives.	
<b>2/200</b>	To negotiate and settle schedules of dilapidations on behalf of the council and landlord or tenant.	
<b>2/201</b>	To secure orders for possession from the County Court for dwellings occupied by council staff under a service tenancy.	
<b>2/202</b>	To negotiate, and enter into energy purchase agreements for Council owned properties.	
<b>2/203</b>	To approve Home Loss Payments in accordance with the provisions of the Land Compensation Act 1973.	
<b>2/204</b>	To make interim payments on acquisition of freehold and leasehold interest.	
<b>2/205</b>	To make payment on account to owners/occupiers of properties included in a compulsory purchase order.	
<b>2/206</b>	To make discretionary payments of up to £500 under the Land Compensation Act 1973, to persons displaced by the council by compulsory purchase, demolition or closing orders, etc.	
<b>2/207</b>	To approve use of the 'Gap', St. George's Square by non- commercial organisations.	
<b>2/208</b>	To approve the use of the Town Hall forecourt for specific events.	

Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/209</b>	To process transactions for the buy-back of council housing under the Housing Act 2004 (the Right of First Refusal) until they are handed over to the Head of Legal Services.	
<b>2/210</b>	To approve transactions affecting land relating to construction projects which have been approved by the Executive for implementation by the Luton Learning & Community Partnership, QED or Foxhall Homes where these transactions are ancillary to the implementation of those approved projects.	
<b>2/211</b>	To dispose of the freehold or leasehold of school land to schools converting to an academy and to enter into any property agreement required in accordance with the Academies Act 2010 as amended from time to time.	On instruction of the Director of Education and subject to providing the Academy Order from the Department for Education.
<b>2/212</b>	To agree terms for the transfer of school land to schools changing category from a community school to a Foundation school.	On instruction of the Director of Education and subject to providing the statutory notice from the Department for Education.
<b>2/213</b>	To agree terms of and to enter into such legal documentation as required to rectify errors or omissions in property deeds and documents.	
<b>2/214</b>	To enter into short-term licences or licences of up to 3 years for occupation by the Council where the total licence fee or rental does not exceed £50,000.	
<b>2/215</b>	To grant licences in connection with provisions in existing leases.	
<b>2/216</b>	To grant easements in connection with any Council land.	
<b>2/217 AD/REG</b>	To grant permission for the provision of services, amenities, recreation and refreshment facilities on the highway, and related powers, under Sections 115E, 115F and 115K of the Highways Act 1980.	
<b>2/218 AD/REG</b>	To appoint any person as an Inspector under Section 19 of the Health and Safety at Work etc.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	Act 1974 and to vary or revoke any such appointment.	
<b>2/219 FC</b>	<p>To authorise or permit an officer of the council to be appointed as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 by any of the following authorities:</p> <ul style="list-style-type: none"> <li>• Bedford Borough Council</li> <li>• Broxbourne Borough Council</li> <li>• Central Bedfordshire Council</li> <li>• Dacorum Borough Council</li> <li>• East Hertfordshire District Council</li> <li>• Hertfordshire County Council</li> <li>• Hertsmere Borough Council</li> <li>• North Hertfordshire District Council</li> <li>• St. Albans City and District Council</li> <li>• Stevenage Borough Council</li> <li>• Three Rivers District Council</li> <li>• Watford Borough Council</li> <li>• Welwyn Hatfield Borough Council</li> </ul> <p>(referred to collectively in Delegations 2/003 and 2/004 as ‘the relevant authorities’).</p>	
<b>2/220 FC</b>	Under Section 1 of the Local Authorities (Good and Services) Act 1970, to authorise or permit an officer of the council to be appointed as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 by the Health and Safety Executive within the Borough of Luton or within the area or areas of any of the relevant authorities.	
<b>2/221 FC</b>	To appoint an officer of any of the relevant authorities or an officer of the Health and Safety Executive as an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 for the purpose of the discharge of any of the council's functions under that Act.	
<b>2/222 FC</b>	Under Section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974 to authorise a person to accompany an Inspector appointed under Section 19 of that Act.	

Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/223 AD/REG</b>	Duty under Section 115G of the Highways Act 1980 to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	
<b>2/224 AD/REG</b>	Power under Section 139 of the Highways Act 1980 (c 66). to permit deposit of builder's skip on highway.	
<b>2/225 AD/REG</b>	Power under Section 142 of the Highways Act 1980 to license planting, retention and maintenance of trees etc. in part of highway.	
<b>2/226 AD/REG</b>	Power under Section 147 of the Highways Act 1980 to authorise erection of stiles etc. on footpaths or bridleways.	
<b>2/227 AD/REG</b>	Power under Section 169 of the Highways Act 1980 to license works in relation to buildings etc which obstruct the highway.	
<b>2/228 AD/REG</b>	Power under Section 171 of the Highways Act 1980 to consent to temporary deposits or excavations in streets.	
<b>2/229 AD/REG</b>	Power under Section 172 of the Highways Act 1980 to dispense with obligation to erect hoarding or fence.	
<b>2/230 AD/REG</b>	Power under Section 178 of the Highways Act 1980 to restrict the placing of rails, beams etc. over highway.	
<b>2/231 AD/REG</b>	Power under Section 179 of the Highways Act 1980 to consent to construction of cellars etc. under street.	
<b>2/232 AD/REG</b>	Power under Section 180 of the Highways Act 1980 to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	
<b>2/233 AD/REG</b>	Power under Section 50 of the New Roads and Street Works Act 1991 to grant a street works licence.	

## The Service Director, Sustainable Development

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
<b>2/234</b>	To exercise the Council's powers in relation to building control contained in a relevant enactment.	<p>For the purposes of this delegation 'a relevant enactment' means any of the following enactments, any Regulations made under any of the following enactments or any enactment which amends, re-enacts or consolidates any of the following enactments or any Regulations made under any of the following enactments:-</p> <ol style="list-style-type: none"> <li>1. Building Act 1984</li> <li>2. Building Safety Act 2022</li> <li>3. Sustainable and Secure Buildings Act 2004</li> <li>4. Building Regulations</li> <li>5. 2010</li> <li>6. Safety of Sports Grounds Act 1975</li> <li>7. Fire Safety and Safety at Places of Sport Act 1987</li> <li>8. Regulatory Reform (Fire Safety) Order 2005</li> <li>9. Building (Local Authority Charges) Regulations 2010</li> <li>10. Fire Safety Act 2021</li> <li>11. Any enactment relating to building control</li> </ol>
<b>2/235</b>	To exercise the powers under Sections 77 and 78 of the Building Act 1984 relating to dangerous buildings	As determined by the Dangerous Structures Call Out team (designated Proper Officer).
<b>2/236</b>	To apply for any necessary planning permissions, to sign Notices required under relevant planning legislation, and to sign any notice under the Environmental Statement Regulations.	
<b>2/237</b>	To sign waste disposal contracts let under Section 51 of the Environmental Protection Act 1990.	Subject to consultation with the relevant Executive Portfolio holder
<b>2/238</b>	To agree waste management contract variations up to £30,000.	Subject to consultation with the relevant Executive Portfolio holder
<b>2/239</b>	<p>To exercise the powers contained in the following enactments:-</p> <ul style="list-style-type: none"> <li>• Local Government Act 1976, section 16;</li> </ul>	

Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	<ul style="list-style-type: none"> <li>Housing Act 2004, section 235</li> </ul>	
<b>2/240</b>	To approve (including stage and conditional approval) and reject full plans submitted under the Building Act 1984 and the Building Regulations 2010 for the time being in force.	As determined by a Registered Building Inspector (Designated Proper Officer)
<b>2/241</b>	To accept and reject building notices submitted under the provisions of the Building Regulations 2010 for the time being in force.	As determined by a Registered Building Inspector (Designated Proper Officer)
<b>2/242</b>	To accept and reject notices and certificates submitted in accordance with the Building (Approved Inspectors etc.) Regulations 2010 for the time being in force.	As determined by a Registered Building Inspector (Designated Proper Officer)
<b>2/243</b>	To enforce the provisions of the Building (Local Authority Charges) Regulations for the time being in force.	
<b>2/244</b>	To ensure compliance with the provisions contained within the council's Policy Statement on Building Control and Level of Service	
<b>2/245</b>	To determine applications for the relaxation/dispensation of the Building Regulations 2010 or any statutory amendment thereof for the time being in force.	As determined by a Registered Building Inspector (Designated Proper Officer)
<b>2/246</b>	To serve notice under Section 32 of the Building Act 1984 declaring plans submitted under the Building Regulations 2010 to be of no effect.	
<b>2/247</b>	To issue notices under Section 81 of the Building Act 1984 in respect of the demolition of buildings.	
<b>2/248</b>	To issue Regularisation Certificates in respect of unauthorised building works.	As determined by a Registered Building Inspector (Designated Proper Officer)
<b>2/249</b>	To implement the provisions of the Party Wall etc. Act 1996.	
<b>2/250</b>	To serve Building Preservation Notices in respect of those buildings identified as meeting the criteria for inclusion in the Statutory List of Buildings of Special Architectural or Historic Interest.	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/251</b>	<p>To exercise the council's powers as the Lead Local Flood Authority and SuDS Approving Body under the Flood and Water Management Act 2010:-</p> <ol style="list-style-type: none"> <li>1. to request information from any person in connection with the authorities' floor risk management functions and sanction a person who fails to comply with this request under Sections 14 and 15</li> <li>2. to designate structures or features under Section 30 and Schedule 1</li> <li>3. to carry out works that will or may cause flooding under Section 39</li> <li>4. to carry out works to manage flood risk from surface water, ground water or ordinary watercourse under Schedule 2 (29)</li> </ol>	
<b>2/252</b>	<p>To exercise the council's powers under the Countryside and Rights of Way Act 2000, Household Waste and Recycling Act 2003, Waste Minimisation Act 1998 and Water Industry Act 1991.</p>	
<b>2/253</b>	<p>To enforce the Climate Change Act 2008, in so far as such powers are the responsibility of the Executive.</p>	
<b>2/254</b>	<p>To apply for Waste Management Licences for relevant waste management facilities.</p>	
<b>2/255</b>	<p>In relation to waste management facilities, to sign and enter Public Notices in the local media in relation to planning applications, Environmental Statements, Site Licences and Discharge Consents.</p>	
<b>2/256</b>	<p>To issue, cancel and amend compliance and stop notices under Regulation 47 Building Regulations (as amended) 2010 and Section 35 of the Building Act 1984</p>	
<b>2/257</b>	<p>To implement and administer the Building Safety Levy as required under the Building Safety Act 2022</p>	
<b>2/258 AD/REG</b>	<p>To issue, amend or replace prohibition/enforcement notices for sports grounds under the Safety of Sports Grounds Act 1975</p>	



Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/259 AD/REG</b>	To issue, amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.	
<b>2/260 DM</b>	To determine applications for consents under the Tree Preservation Order Regulations.	
<b>2/261 DM</b>	To consider and determine applications for Claims for Deemed Consent under the provisions of the Planning (Hazardous Substances) Regulations 1992.	
<b>2/262 DM</b>	To determine applications for consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 for minor works affected Listed Buildings but not extending either the height or floor area of such buildings.	
<b>2/263 DM</b>	To determine applications for a determination as to whether or not the Local Planning Authority wishes to exercise control over the demolition of a building under the Town and Country Planning (Demolition – Description of Buildings) (No. 2) Direction 1992.	
<b>2/264 DM</b>	To determine the extent of 'Environmental Statements' to be submitted by prospective developers in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.	After consulting the Chair of Development Management Committee.
<b>2/265 DM</b>	To issue a Retention Notice in respect of any relevant application made under Regulation 5 of the Hedgerow Regulations 1997.	
<b>2/266 DM</b>	To serve statutory notices, execute works in default, recover and apportion expenses and any other powers or duties of the council in respect of circumstances where the Environment Act 1995 Part II (Section 57) applies (to deal with land which presents an imminent danger or serious danger or serious harm or serious pollution of controlled waters).	After consulting the Director of Neighbourhood Services.

## The Head of Planning

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/267</b>	To determine and issue Certificates of Lawfulness of Existing or Proposed Use or Development	
<b>2/268</b>	To determine the charge to be made for the supply of documents intended to be made available to the public in relation to Planning matters.	
<b>2/269</b>	To lodge objections or other representations with the Traffic Commissioners, on planning grounds, to the grant of Heavy Goods Vehicle Operators' Licences if they relate to matters which are contrary to the development plan or to good planning practice.	
<b>2/270</b>	To determine the extent of Environmental Statements to be submitted by prospective developers in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.	
<b>2/271</b>	To decline to determine planning applications under sections 70B and 70C of the Town & Country Planning Act 1990 (as amended)	
<b>2/272</b>	To determine "Requirements" applications (i.e. discharge of conditions) relating to Development Consent Orders made pursuant to the Planning Act 2008 (as amended)	
<b>2/273</b>	To exercise all powers relating to the enforcement of Development Consent Orders pursuant to the Planning Act 2008 (as amended)	
<b>2/274 DM</b>	To decline to determine applications for planning permission under section 70A of the Town & Country Planning Act 1990 (as amended)	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/275 DM</b>	To refuse planning permission in the event that a S106 planning obligation agreement (or appropriate mechanism), is required and has not been completed within 6 months from the date it was determined that the agreement was required, or such extended period as may be agreed in writing by the Head of Planning.	
<b>2/276 DM</b>	In relation to any appeal made under the Town and Country Planning Act 1990 or any Regulations or Directions made under that Act, to prepare, submit and present the council's statement including appropriate conditions and, if appropriate, in the case of enforcement appeals, a statement as to whether the council would be prepared to grant permission or consent for the development or works the subject of the appeal.	
<b>2/277 DM</b>	Save as provided by the provisions contained in Delegations 2/278, 2/279 and 2/280, to approve all applications for planning permission, approval and consent (including the imposition of appropriate conditions).	<ol style="list-style-type: none"> <li>1. Subject to the interpretation at 2 below, the following are excepted from the power delegated under Delegation 2/276:               <ol style="list-style-type: none"> <li>1.1 Applications for outline or full planning permission for residential schemes involving the development of 0.5 hectares or more of land or the erection of 10 dwellings or more.</li> <li>1.2 Change of use of buildings involving the creation of 10 units or more of residential accommodation.</li> <li>1.3 Applications for outline or full planning permission for non-residential schemes involving the development of 1 hectare or more of land or the creation of 1,000 square metres or more of floorspace.</li> <li>1.4 Changes of use involving non-residential accommodation exceeding 1,000 square metres of floorspace.</li> </ol> </li> </ol>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<p>1.5 Where the decision would be contrary to the provisions of the development plan then in force for the area, except in the case of minor variations from approved planning standards (as described in Paragraph 2.1 below).</p> <p>1.6 Where the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households received within the period specified for representations from members of the public (other than the applicant or their agent) having regard to, subject to Paragraph 2.2 below, material planning considerations.</p> <p>1.7 Where a Member requests, in accordance with the Protocol for call-in to the Development Management Committee at Part 6 A of the Council's Constitution, for it to be referred to a meeting of the Development Management Committee for determination. The Member making the request may withdraw it by notifying the Head of Planning in writing no later than two clear working days prior to publication of the Agenda of the Committee meeting.</p> <p>1.8 Where an application for permanent development (i.e. not temporary buildings or structures) has been submitted by or on behalf of the Council or relates to land owned or occupied by the Council which is recommended for approval and which is:</p> <p>a. Subject to a written objection from a consultee or member of the public (where their name and address has been provided) raising, subject to Paragraph 2.2 below, material planning considerations; or</p>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<ul style="list-style-type: none"> <li>b. Is contrary to the development plan.</li> <li>1.9 Where an application has been submitted by or on behalf of a Member or officer of the Council which is recommended for approval and which is:               <ul style="list-style-type: none"> <li>a. Subject to a written objection from a consultee or member of the public (where their name and address has been provided) raising, subject to Paragraph 2.2 below, material planning considerations; or</li> <li>b. Is contrary to the development plan.</li> </ul> </li> <li>1.10 Where the decision of the Head of Planning would run counter to an earlier decision or condition imposed by the Development Control Committee in respect of the same site.</li> <li>1.11 Where the decision of the Head of Planning would run counter to the minimum gross internal floor areas set out within the 'Technical Housing Standards – Nationally Described Space Standards' (MHCLG, March 2015) (or subsequent updates or equivalent standards).</li> <li>2. Interpretation               <ul style="list-style-type: none"> <li>2.1 The minor variations referred to in Paragraph 1.5 above are variations to the Council's standards in respect of driveway lengths, the provision of garaging and parking, minimum garden sizes, distances between buildings, etc.</li> <li>2.2 The following shall not be regarded as material planning considerations:                   <ul style="list-style-type: none"> <li>a. An objection to the principle of development where the proposal is not contrary to the policies of the approved development plan;</li> <li>b. A trade objection which anticipates competition from the proposed development;</li> </ul> </li> </ul> </li> </ul>

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
		<ul style="list-style-type: none"> <li>c. Objections relating to trespass on to the objector’s property, inclusive of matters relating to rights of way and shared access;</li> <li>d. Noise and other forms of disturbance arising during and solely as a result of any building operations involved in the development;</li> <li>e. The question of future maintenance of the objector’s property, perceived loss of value to an objector’s property, drainage and other issues covered by building control procedures;</li> <li>f. Issues which are covered by other legislation and over which planning controls do not exist;</li> <li>g. Alleged unauthorised activities or works directly relating to the proposal under consideration and which might be dealt with through other planning investigations;</li> <li>h. Comments of a wholly personal nature, including opinions of morality and comments which are abusive or discriminatory in nature; or</li> <li>i. The wording or context of proposed advertisements.</li> </ul>
<p><b>2/278</b> <b>DM</b></p>	<p>Save as provided for in Delegation 2/279 and 2/280, to refuse applications for planning permission, approval and consent.</p>	<p>The following are excepted from the power delegated under Delegation 2/277:</p> <ul style="list-style-type: none"> <li>1. Where the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households received within the period specified for representations from members of the public (other than the applicant or their agent).</li> </ul>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<ol style="list-style-type: none"> <li>2. Where a Member requests, in accordance with the Protocol for call-in to the Development Management Committee at Part 6 A of the Council's Constitution, for it to be referred to a meeting of the Development Management Committee for determination. The Member making the request may withdraw it by notifying the Head of Planning in writing no later than two clear working days prior to publication of the Agenda of the Committee meeting.</li> <li>3. Where the decision of the Head of Planning would run counter to an earlier decision or condition imposed by the Development Control Committee in respect of the same site.</li> </ol>
<p><b>2/279</b> <b>DM</b></p>	<p>To determine the planning applications (including the imposition of appropriate conditions) as follows:</p> <ol style="list-style-type: none"> <li>a) To approve any minor material variation to an existing planning permission (Section 73) or nonmaterial amendment application (Section 96A) to an existing planning permission and enter any related planning obligation (Section 106 Agreement);</li> <li>b) To enter into a planning obligation (Section 106 Agreement);</li> <li>c) To approve any application to vary an existing Section 106 Agreement (Section 106A) and to enter into that Agreement; and</li> <li>d) To approve any reserved matters relating to an existing outline planning permission</li> </ol>	<p>The following are excepted from the power delegated under Delegation 2/278:</p> <ol style="list-style-type: none"> <li>1. Where the decision would be contrary to the provisions of the development plan then in force for the area, except in the case of minor variations from approved planning standards as described in Paragraph 2.1 above.</li> <li>2. Where the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households objecting to the application received within, where applicable, the period specified for representations from members of the public (other than the applicant or their agent) having regard to, subject to Paragraph 2.2 above, material planning considerations.</li> </ol>

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
		<ol style="list-style-type: none"> <li data-bbox="906 253 1457 768">3. Where a Member requests, in accordance with the Protocol for call-in to the Development Management Committee at Part 6 A of the Council's Constitution, for it to be referred to a meeting of the Development Management Committee for determination. The Member making the request may withdraw it by notifying the Head of Planning in writing no later than two clear working days prior to publication of the Agenda of the Committee meeting.</li> <li data-bbox="906 779 1457 1350">4. Where an application for permanent development (i.e. not temporary buildings or structures) has been submitted by or on behalf of the Council or relates to land owned or occupied by the Council which is recommended for approval and which is: <ol style="list-style-type: none"> <li data-bbox="922 1081 1441 1305">a. Subject to a written objection from a consultee or member of the public (where their name and address has been provided) raising, subject to Paragraph 2.2 above, material planning considerations; or</li> <li data-bbox="922 1317 1441 1350">b. Is contrary to the development plan.</li> </ol> </li> <li data-bbox="906 1361 1457 1818">5. Where an application has been submitted by or on behalf of a Member or officer of the Council which is recommended for approval and which is: <ol style="list-style-type: none"> <li data-bbox="922 1552 1441 1776">a. Subject to a written objection from a consultee or member of the public (where their name and address has been provided) raising, subject to Paragraph 2.2 above, material planning considerations; or</li> <li data-bbox="922 1787 1441 1818">b. Is contrary to the development plan.</li> </ol> </li> </ol>



<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
		6. Where the decision of the Head of Planning would run counter to the minimum gross internal floor areas set out within the 'Technical Housing Standards – Nationally Described Space Standards' (MHCLG, March 2015) (or subsequent updates or equivalent standards).
<b>2/280 DM</b>	<p>To determine all applications for planning permission, approval or consent (including the imposition of appropriate conditions) as follows:</p> <ul style="list-style-type: none"> <li>a) To approve or refuse any application made to discharge a condition relating to an existing planning permission or consent;</li> <li>b) To approve or refuse any application made for a determination of whether the prior approval of the local planning authority will be required prior to the commencement of that development (prior approval/notification applications); and</li> <li>c) To approve or refuse any application made for an 'Additional Environmental Approval' (AEA); for variation of the approved hours of construction; or, pursuant to any time-limited COVID-19-related legislation, which may be forthcoming.</li> </ul>	
<b>2/281 DM</b>	To approve or refuse all applications for temporary planning permission, approval or consent (including the imposition of appropriate conditions).	The following are excepted from the power delegated under Delegation 2/280:

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
		<p>1. Where the application would be recommended for approval and the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households objecting to the application received within, where applicable, the period specified for representations from members of the public (other than the applicant or their agent) having regard to, subject to Paragraph 2.2 above, material planning considerations.</p>
<p><b>2/282</b> <b>DM</b></p>	<p>In the absence of the Head of Planning, the Team Leader – Planning Applications or Team Leader – Strategic Applications may exercise the delegations contained in Delegations 2/277, 2/278, 2/279, 2/280 and 2/281.</p>	
<p><b>2/283</b> <b>DM</b></p>	<p>To supply copies of all applications for planning permission and plans accompanying such applications at full cost, except to persons or organisations who are unable to inspect the documents by reason of disability or by reason of their being a considerable distance from the Town Hall.</p>	
<p><b>2/284</b> <b>DM</b></p>	<p>To serve Planning Contravention Notices under Section 171C, and Breach of Conditions Notices in accordance with Section 187A of the Town and Country Planning Act 1990.</p>	
<p><b>2/285</b> <b>DM</b></p>	<p>To authorise officers of the council to enter on to land in accordance with the terms of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p><b>2/286</b> <b>DM</b></p>	<p>To advertise applications which, if approved, would be contrary to the provisions of the development plan, as required by the Town and Country Planning (Development Plans and Consultation) Directions 1992.</p>	

Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/287 DM</b>	To formulate responses to consultations from other local planning authorities and statutory undertakers.	
<b>2/288 DM</b>	To issue, serve and where applicable, waive, relax or withdraw enforcement notices, special enforcement notices, stop notices, temporary stop notices, completion notices and notices requiring proper maintenance of land under the Town and Country Planning Act 1990.	
<b>2/289 DM</b>	To issue and serve and where applicable, waive, relax or withdraw listed building and conservation area enforcement notices, building preservation notices and urgent works notices under the Planning (Listed Buildings and Conservation Areas) Act 1990.	
<b>2/290 DM</b>	To contest any appeal and the execution of works in default where action has been taken under the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990 under Delegations 2/280 or 2/281 above.	
<b>2/291 DM</b>	To exercise all powers, functions and responsibilities relating to the preservation of trees under sections 197 to 214D of the Town and Country Planning Act 1990.	
<b>2/292 DM</b>	To issue requests for information under Section 330 of the Town and Country Planning Act 1990 and the Local Government (Miscellaneous Provisions) Act 1982 (ownership etc. of property) and to take any necessary action in respect of failure to return the information.	

### The Fleet Transport Manager

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
2/293 AD/REG	Under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend a Hackney Carriage or Private Hire Vehicle Licence where a vehicle so licensed fails to satisfy the council's technical requirements and, in the opinion of the Transport Manager, is not fit for use as a Hackney Carriage or Private Hire vehicle.	

### The Corporate Director, Population Wellbeing

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
2/294	To apply, or instruct a Principal Solicitor to apply, to the Magistrates Court for Anti- Social Behaviour Orders under the Crime and Disorder Act 1998 in accordance with the council's Anti-Social Behaviour Protocol.	
2/295	To approve street naming and numbering and the numbering of buildings in streets.	

### The Director of Adult Social Services

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
2/296	To consider and determine all requests from clients for access to their social services records	Subject to compliance with the provisions of the Data Protection Act 1998 as amended by the Data Protections Act 2018 and General Data Protection Regulations 2018 (GDPR) as amended or replaced by subsequent enactments
2/297	To act as authorised officer for property and affairs deputyships appointed by order of the Court of Protection to conduct the financial and property affairs of elderly and disabled clients in the care of the council, including:- <ol style="list-style-type: none"> <li>1. making application to the Court for powers, or amendment of powers, to act as a deputy for property and financial affairs.</li> <li>2. attendance at Court as necessary</li> <li>3. service of Court documents on clients, their relatives or persons nominated by them</li> </ol>	Subject to the Mental Capacity Act 2005 as amended

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	<ol style="list-style-type: none"> <li>4. complying with the orders of the Court and to conduct the financial affairs of the client in accordance with instructions received</li> <li>5. collection of all income due to the client and payment of just debts</li> <li>6. sale of property in appropriate cases</li> <li>7. investment of surplus funds as necessary</li> <li>8. completion of Income Tax Returns and checking of assessment</li> <li>9. making funeral arrangements</li> </ol>	
<b>2/298</b>	To exercise the statutory duties of the Local Authority under Sections 8(1) and Section 20 of the Mental Health Act 1983 in respect of guardianship.	Subject to the Mental Capacity Act 2005 as amended
<b>2/299</b>	To procure the provision of residential care or other forms of social care.	Subject to the National Assistance Act 1948, as amended by the Care Act 2014, related Regulations and Guidance.  Up to a limit in any single case of £500,000 per year.
<b>2/300</b>	To deal with admissions and discharges from establishments under the management of the council or approved voluntary organisations and transfers between such establishments.	
<b>2/301</b>	To deal with assessment and collection of charges from persons accommodated in residential establishments or making use of social services provided by the council, or from the persons liable for their maintenance.	Subject to the Care Act 2014, related Regulations and Guidance.  Amending and dis-applying parts of the National Assistance Act 1948 and guidance issued under 7(1) of the Local Authority Social Services Act 1970.
<b>2/302</b>	To deal with the provision of temporary protection for property of persons admitted to hospitals, etc under section 47 of the Care Act 2014.	
<b>2/303</b>	To approve the payment of increases in maintenance or residential accommodation	Subject to the Care Act 2014 and related Regulations.

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/304</b>	To exercise discretion in waiving or reducing charges to persons accommodated in residential establishments or making use of social care services or facilities provided by the council or to persons liable for their maintenance.	
<b>2/305</b>	To arrange for and, if necessary, to instruct the Head of Legal Services to take steps to secure a legal charge against property owned by a person in or to be taken into residential care.	Subject to the Care Act 2014 and related Regulations

### The Director of Public Health

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/306</b>	To take all steps necessary under the council's duties to improve public health.	
<b>2/307</b>	To exercise any of the Secretary of State's public health protection or health improvement functions that are delegated to the council either by arrangement or under Regulations.	
<b>2/308</b>	To exercise any of the Secretary of State's public health functions exercised by the council under Section 7A of the National Health Service Act 2006 as amended.	
<b>2/309</b>	To exercise the council's functions that relate to planning for, or responding to, emergencies that present a risk to public health.	
<b>2/310</b>	To co-operate as necessary with any prison service with a view to improving the exercise of functions in relation to securing and maintaining the health of prisoners.	
<b>2/311</b>	To write the annual report on the health of the local population.	
<b>2/312</b>	Subject to Regulations to formulate the council's public health response under the Licensing Act 2003.	
<b>2/313</b>	To take appropriate action with regard to maternity or child health clinics under the Healthy Start and Welfare Food Regulations 2005 as amended.	

Reference Number	Power delegated	Conditions or qualifications to which delegation is subject
2/314	To be an active member of the Health and Wellbeing Board, advising on and contributing to the development of the Joint Strategic Needs Assessment and Joint Health and wellbeing Strategy, and commissioning appropriate services accordingly.	
2/315	<p>To take such action as is reasonably practicable to ensure that:-</p> <ol style="list-style-type: none"> <li>1. steps are taken to protect the health of the local population</li> <li>2. NHS commissioners receive the public health advice they need</li> <li>3. there is appropriate access to sexual health services</li> <li>4. all steps are taken with regard to the National Child Measured programme and</li> <li>5. all steps are taken with regard to the NHS Health Check assessments</li> </ol>	
2/316	<p>To take such steps as are reasonably practicable with regard to:-</p> <ol style="list-style-type: none"> <li>1. tobacco control and smoking cessation services</li> <li>2. alcohol and drug misuse services</li> <li>3. public health services for children and young people aged 5-19 (including the Health Child Programme 5-</li> <li>4. 19) (and in the longer term all public health services for children and young people)</li> <li>5. interventions to tackle obesity such as community lifestyle and weight management services</li> <li>6. locally-led nutrition initiatives</li> <li>7. increasing levels of physical activity in the local population</li> <li>8. public mental health services</li> <li>9. dental public health services accidental injury prevention</li> <li>10. population level interventions to reduce and prevent birth defects</li> <li>11. behavioural and lifestyle campaigns to prevent cancer and long-term conditions</li> <li>12. local initiatives on workplace health</li> <li>13. supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes</li> <li>14. local initiatives to reduce excess deaths as a result of seasonal mortality</li> </ol>	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	15. public health aspects of community safety, violence prevention and response 16. public health aspects of local initiatives to tackle social exclusion and 17. local initiatives on workplace health	
<b>2/317</b>	To undertake the day to day management of ring-fenced public health grant provided to the council to discharge its public health responsibilities	

**The Director of Customer and Organisational Development**

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/318</b>	To acquire monitoring data from all departments in order to fulfil monitoring requirements of the Equal Opportunities Strategy in Employment.	
<b>2/319</b>	To purchase equipment required to link with the council's computer information and voice network.	
<b>2/320 AD/REG</b>	To approve terms for the retirement of employees on grounds of permanent ill health within the requirements of the Local Government Pension Scheme and the council's agreed practice.	Subject to obtaining medical advice.
<b>2/321 AD/REG</b>	To approve extensions of sick pay by up to 3 months.	After consulting the relevant Service Director or Director with Statutory responsibilities
<b>2/322 AD/REG</b>	To approve payments in lieu of notice where it is inappropriate to require an employee to work her/his notice period.	After consulting the relevant Service Director and the Director of Finance, Revenues and Benefits

**The Service Director, Housing**

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/323</b>	To authorise a bailiff to distrain on goods of tenants in arrears with rent.	Subject to prior consultation with the relevant Portfolio Holder and having informed the relevant ward councillors.
<b>2/324</b>	To allocate council housing in accordance with the Council's Allocations Policy.	



<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/325</b>	To waive the Council's requirement for a legal determination of a marriage (divorce or judicial separation or civil partnership) and 'custody' of any children in cases where the Service Director, Housing is satisfied that there is likely to be a delay in securing a court decision and where such a delay would cause the applicant or their family undue hardship.	
<b>2/326</b>	To offer accommodation on a temporary basis where the need arises due to extensive repair or refurbishment works required to the applicant's existing property.	If any applicant is dissatisfied with the decision of the Service Director, Housing (s)he shall have a right of appeal in writing to the Housing Appeal and Review Panel.
<b>2/327</b>	To approve the erection of garages of approved design within the curtilage of council dwellings.	
<b>2/328</b>	To revise the charges in the list of items rechargeable to tenants every 6 months to take account of any increases in the costs of materials and labour during the intervening period.	Subject to prior consultation with the relevant Portfolio Holder.
<b>2/329</b>	To approve assignments of agreements relating to spaces at the Municipal Caravan Site and to collect the appropriate commission on the sale of a mobile home at the Municipal Caravan Site.	
<b>2/330</b>	To serve notices under the Secure Tenancies (Right to Repair Scheme) Regulations 1985.	
<b>2/331</b>	To implement the deposit scheme on Travellers' site caravan plots and to determine the amount of deposit requested up to a maximum of £200.	
<b>2/332</b>	To take any action which she/he considers necessary in regard to the management of any land or premises owned or occupied by, or let to, the council whether or not then sub-let by the council to a third party, including, but not limited to, the issuing of any statutory or other legal notice in relation to such land or premises or in relation to any interest in such land or premises, the taking of any steps to obtain possession of such land or premises and the institution of any proceedings in relation to such land or premises.	Provided that prior to the obtaining of actual possession of any land or premises used for residential purposes the Service Director, Housing has given not less than 48 hours' notice to each of the councillors for the ward in which the land or premises is situated.
<b>2/333</b>	To chair the Housing Needs Review Panel, or nominate a delegate. To make decisions relating to:-	Subject to a right for the applicant to request a further review of any decision of the Housing Needs Review Panel to the Housing Appeal and Review Panel.

Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	<ol style="list-style-type: none"> <li>1. the award of Emergency or Band A priority to housing applicants or</li> <li>2. to decide where special circumstances merit a departure from the terms of the published Allocations Policy</li> </ol>	
<b>2/334</b>	Where exceptional circumstances, or overriding management requirements, exist to approve offers of accommodation, either in person or through a nominated delegate, outside of the Choice Based Lettings scheme by way of a direct let.	
<b>2/335</b>	To implement the Right of First Refusal provisions of the Right to Buy.	Subject to prior consultation with the Director of Property and Infrastructure.
<b>2/336</b>	To take any necessary action in respect of any application for a Demotion Order under the Anti-Social Behaviour Act 2003 and any action subsequent to the grant of such an order.	
<b>2/337</b>	To use Demoted Tenancies as a further method to tackle anti- social behaviour.	
<b>2/338</b>	To agree, where the decision to acquire has to be made within strict time limits, the acquisition of dwellings for housing of applicants for council housing.	Subject to prior consultation with the relevant Portfolio Holder and the Service Director, Fixed Assets.
<b>2/339</b>	<p>To agree the acquisition of dwellings or properties that are:-</p> <ol style="list-style-type: none"> <li>1. part owned by the council under shared ownership leases or</li> <li>2. are former council properties sold under the Right to Buy or</li> <li>3. required for redevelopment</li> </ol>	Subject to prior consultation with the relevant Portfolio Holder.
<b>2/340</b>	To decide on extensions to any temporary or fixed term tenancies.	
<b>2/341</b>	To agree the disposal of stock (homes and garages) where necessary to provide development sites.	Where a development scheme has been approved or authorised by the Executive.
<b>2/342</b>	To nominate registered social landlords to exercise the buy-back option on the council's behalf.	Subject to prior consultation with the relevant Portfolio Holder

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/343</b>	<p>Under the Housing Assistance, subject to the availability of resources within the General Fund Capital Programme, to offer such assistance as is authorised thereby and to:-</p> <ol style="list-style-type: none"> <li>1. determine specifications for works</li> <li>2. approve or refuse applications</li> <li>3. make payments</li> <li>4. recalculate or withhold payments</li> <li>5. determine repayment on breach of conditions</li> <li>6. waive conditions regarding payments and</li> <li>7. execute works towards which assistance aid may be paid and any further works necessary through the council's Agency Scheme.</li> </ol>	<p>Subject to a right for the applicant(s) to ask for a review by a Panel of Relevant managers and a subsequent further review by the council's Housing Appeal and Review Panel against any decision of the Service Director, Housing</p>
<b>2/344</b>	<p>To exercise the powers contained in the Housing Grants, Construction and Regeneration Act 1996.</p>	
<b>2/345</b>	<p>To exercise the powers under the Housing Acts 1985 and 1996 to give directions to prevent or reduce overcrowding and for the making of management orders in respect of houses in multiple occupation.</p>	
<b>2/346</b>	<p>To approve the determination of closing orders under Section 278 of the Housing Act 1985 where the properties in question have been rehabilitated to the required standard.</p>	
<b>2/347</b>	<p>To determine, whether or not an applicant for assistance is entitled to assistance under Part XVI of the Housing Act 1985 and whether a reinstatement grant or an offer of repurchase should be made, and to serve notice admitting or denying the right to assistance, notice of determination to make a reinstatement grant or to repurchase and to administer the payment of reinstatement grant.</p>	<p>Subject to prior consultation with the Service Director, Fixed Assets.</p>
<b>2/348</b>	<p>To administer and determine applications under Section 435 of the Housing Act 1985.</p>	
<b>2/349</b>	<p>To exercise the powers contained in Sections 255 and 256 the Housing Act 2004.</p>	

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/350</b>	To exercise the powers contained in Sections 24, 29 to 31, 34 to 43, 51 to 52, 56, 57, 76, 77, 81, 82 and 84 to 86 (in all cases inclusive) of the Housing Grants, Construction and Regeneration Act 1996.	Subject to the right of any person required to repay any grant paid under any of these provisions because of a breach of any of the conditions subject to which the grant was paid to appeal to the Housing Appeal and Review Panel.
<b>2/351</b>	In exceptional cases to waive the requirement for 2 estimates under Section 2(2)(b) of the Housing Grants, Construction and Regeneration Act 1996.	Subject to prior consultation with the relevant Portfolio Holder.
<b>2/352</b>	In exceptional cases to waive the requirement for ownership, tenancy and/or residency under Section 10(3) of the Housing Grants, Construction and Regeneration Act 1996.	
<b>2/353</b>	To consider and determine oral and written representations against intended action in accordance with the Housing (Fitness Procedures) Order 1996 or under Section 377A of the Housing Act 1985, or under any subsequent Order made under Section 86 or Section 377A of the Housing Act 1985.	
<b>2/354</b>	Under the terms of reference of the Luton Home Improvement Agency to make the service available in exceptional cases to persons under 60 years of age.	
<b>2/355</b>	To assess and recover fees and costs incurred in the preparation and service of notices and orders under any of the following provisions:- Sections 10, 11, 20, 21 and 41 of the Housing Act 2004.	After consulting the Director of Finance, Revenues and Benefits, or such other officer as may be authorised.
<b>2/356</b>	To approve and administer the giving of mortgages under Part XIV of the Housing Act 1985 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.	
<b>2/357</b>	To take appropriate recovery procedures, e.g. apply to the courts for Liability Orders, Distraint on Goods, Attachment of Earnings Order, etc.	
<b>2/358</b>	To exercise the powers contained in the following enactments:- <ol style="list-style-type: none"> <li>1. Building Act 1984 Sections 59, 64 and 76</li> <li>2. Caravan Sites and Control of Development Act 1960 (Licensing and Regulatory Controls)</li> <li>3. Environmental Protection Act 1990 Section 80</li> </ol>	

Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
	<ol style="list-style-type: none"> <li>4. Housing Act 2004 Parts 1, 2, 3, 4 and 7</li> <li>5. Local Government (Miscellaneous Provisions) Act 1976 Section 16</li> <li>6. Local Government (Miscellaneous Provisions) Act 1982 Section 29</li> <li>7. Prevention of Damage by Pests Act 1949 Sections 4 and 6</li> <li>8. Public Health Act 1936 Sections 45, 48, 49, 50, 51, 52, 83, 84, 85, 140, 141, 259, 268, 284, 285 and 287and</li> <li>9. Public Health Act 1961 Sections 17, 22 and 35.</li> </ol>	
<b>2/359</b>	To take such action as is necessary under the council's Housing Assistance Policy.	
<b>2/360</b>	To make decisions in relation to persons who apply for housing as being homeless or threatened with homelessness under Part VII of the Housing Act 1996 as amended.	
<b>2/361</b>	To make decisions in relation to persons who request a review of the decision made in regards to their homelessness application under section 202 Part VII of the Housing Act 1996 as amended	If any applicant is dissatisfied with the review decision of the Service Director, Housing they shall have a right of review in writing to the Housing Appeal and Review Panel except where that applicant seeks to pursue an application for an appeal to the County Court.
<b>2/362</b>	To receive and disperse such grants as may be awarded (Ministry of Housing, Communities and Local Government, Local Government Association, Home Office etc.) (or its successor(s)) where application is made by the council for funding, or such grant is awarded in respect of the council's duties towards homeless households/threatened with homelessness or prevention of homelessness or asylum seekers accommodated by the council.	
<b>2/363</b>	To discharge the council's duties towards homeless households or households threatened with homelessness in accordance with the council's stated policies.	

Part 5 B: Scheme of Delegation to Officers

<b>Reference Number</b>	<b>Power delegated</b>	<b>Conditions or qualifications to which delegation is subject</b>
<b>2/364</b>	To collect all necessary charges in relation to the provision of temporary or interim accommodation provided under the provisions of the Housing Act 1985, Part III, Housing Act 1996, Part VII, Homeless Act 2002 and Asylum and Immigration Act 1996.	
<b>2/365</b>	To select a partner or partners to manage Houses in Multiple Occupation or any other properties secured through action under Empty Dwelling Management Orders or to receive ownership of any properties acquired following action under a Compulsory Purchase Order and to waive Standing Orders should the contract sum for the management of these properties exceed agreed limits.	After consulting the relevant Portfolio Holder.
<b>2/366</b>	To notify those entitled to assistance in accordance with Section 562 of the Housing Act 1985 (defective dwellings).	
<b>2/367</b>	To notify new applicants to purchase designated dwellings, in accordance with Section 563 of the Housing Act 1985 when serving Form RTB2.	
<b>2/368</b>	To negotiate for the purchase of any property in respect of which a valid Purchase Notice has been served on the council under Section 227 of the Housing Act 1985.	
<b>2/369</b>	To process Right to Buy sales (including procedures such as rent to mortgage or shared ownership) until they are handed over to the Head of Legal Services for legal transfer.	
<b>2/370</b>	To agree terms for and grant lease extensions pursuant to the Leasehold Reform, Housing and Urban Development Act 1993 (LRHUDA 1993)	Subject to satisfying the criteria under the LRHUDA 1993
<b>2/371</b>	To provide the relevant discharge documentation following redemption of Council mortgages and other legal charges in favour of the Council.	
<b>2/372</b>	To exercise the council's powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and any subsidiary legislation promulgated thereunder.	