

SCHEDULE 1

SCHEME OF FUNCTIONS DELEGATED TO OFFICERS

The Council is required to maintain a schedule of functions showing which committee or officer is responsible for taking a decision in respect of a particular Council function or activity.

Part 3 (Responsibility for Functions) lists those functions for which the Council or one of its Committees is responsible. This section of Part 3 (Schedule 1), provides a full explanation of the way in which the Scheme is intended to work (paragraph A) and gives a list of general functions delegated to officers (paragraphs B – F).

A separate record of Specific Delegations is kept within each individual Service Unit, which shall be open to inspection by Internal Audit, Councillors and the public at appropriate times.

A. Introduction

1. Members have the right to ask for a matter to be considered by Members even though it may have been delegated to an Officer. Officers may also occasionally refer matters to Members where they consider the subject matter to be particularly sensitive and would better be decided by Members. The Scheme of Delegation may be changed by the appropriate decision making body (usually Council) from time to time.
2. Where a Service Unit Head has been delegated authority to undertake a function, the Officer shall have the authority to further delegate that responsibility to another Officer within their Service Unit. The Officer who has been given delegated authority retains concurrent jurisdiction to act in those matters where that Officer has further delegated any authority to undertake any function. A record of any such sub-delegations shall be kept in each Service Unit, which shall be open to inspection by Internal Audit, Councillors and the public at appropriate times.
3. This Scheme (at paragraph F) lists the General Functions which have been delegated to Service Unit Heads. A separate record of Specific Delegations is kept within each individual Service Unit, which shall be open to inspection by Internal Audit, Councillors and the public at appropriate times.
4. Officers shall exercise their delegated powers, subject to statutory limitations, duties and responsibilities and in compliance with Council policies, approved budget limitations, the Constitution and Financial Procedural Rules.

5. Officers shall also undertake all the operational duties within the remit of their Service Unit and all necessary powers to do this are therefore deemed to be delegated to the Service Unit Head who has responsibility for the discharge of the function.
6. All Service Unit Heads must ensure that functions in relation to the management of employees must be carried out in accordance with the Council's approved human resources policies.
7. Where legislation referred to in this Scheme is amended or replaced by new legislation and in the event that the powers contained in the new legislation are substantially the same as those which it replaces, then it shall be deemed that the relevant authority delegated in this Scheme applies as if the new legislation had been specifically referred to as regards that relevant authority.
8. A record of all delegated decisions taken by Officers in each Service Unit, with the exception of staff appointment decisions, which is maintained by Personnel and Training Services, shall be kept available by that Unit which shall be open to inspection by Internal Audit, Councillors and the public at appropriate times.

B. The Chief Executive's Delegated Authority

Approval of investigations under the Regulation of Investigatory Powers Act 2000 where confidential information is likely to be obtained.

The Chief Executive or, in his absence a Policy Director, has been delegated the following function:

Power to take action in relation to any function, power, or service, exercised or provided by or under the control of the Council or Cabinet as can conveniently be taken and required to enable executive action to be implemented between the meetings of the Council or Cabinet and otherwise to act in cases of urgency and any additional powers specifically delegated to him.

C. Housing Management Services

The management of the Council's housing stock is carried out by an Arms Length Management Organisation, Poole Housing Partnership Ltd, which is responsible for maintaining its own Constitution and Scheme of Delegation.

D. Personnel & Training Services

The Head of Personnel and Training Services has issued guidance to all Service Unit Heads as to their obligations and responsibilities under the Council's Procedures and Policies and will notify them of any changes in the future.

E. Planning, Design & Control Services

All planning applications are considered to fall within the delegation scheme and will be determined by officers unless:

1. A Councillor makes a written request (red form*) for the application to be considered by the Planning Committee
2. The planning officer considers that the application should be considered by Committee
3. The application would represent a departure from a policy of the statutory development plan
4. The proposal involves the Borough or County Council either as applicant or land owner and the scheme is not of a minor nature
5. The applicant is a Councillor
6. The applicant is a member of the Council's Management Team, a Service Unit Head, a member of Planning Design and Control Services or any member of staff within the Authority who could be seen to have a direct input to, and therefore influence on, application decisions
7. Any other planning applications from employees of the Borough of Poole may be delegated subject to prior consultation with the Chairman and Vice-Chairman of the Planning Committee
8. Any application where a Council employee is involved in any capacity – e.g. agent or consultant
9. Any planning application involving a Housing Association which will result in the creation of additional residential units
10. Applications for telecommunications development which involve the erection or installation of new masts. Proposals for additional antennae or dishes on existing telecommunication structures fall within the scheme of delegation

In approving the above criteria the Committee has set out guidelines for its operation.

1. All applications will be published on a weekly list, which is available on the Council's website and directly to all Councillors via email. Subject to any changes set out in legislation, decisions will not be issued until at least 21 days after the application has been registered unless there are very special circumstances in which case the Ward Councillors and the Chairman of the Committee would be consulted.
2. Any Member can submit a red form on any application in any part of the Borough and they should not be inhibited from doing so by any reference being made in reports to Committee naming the Councillor involved. However, best practice is for Councillors to advise the Ward Councillors of their concern and their intention to refer an application to the Planning Committee.
3. In all instances where a red form is to be submitted Councillors must ensure that they have first discussed the application with the planning officer before requesting that it be determined by Committee and set

out clearly the reason why the application should not be handled under the delegation scheme. That is to allow the case officer to address those concerns in his report to the Committee and as a courtesy to the Planning Committee which will then have to consider the Members' concerns.

4. Where an applicant or a third party requests the planning officer to put an application before Committee and the planning officer does not consider that is appropriate because of the nature of the objection or the development, such requests will be referred to the Ward Councillors and to the Chairman and if, after discussion with the planning officer, any of them are of the view that the application should be put to the Committee then it shall be so.
5. Whenever a Councillor intends to ask for a Committee site visit they should first visit the site themselves in the company of the planning officer.
6. The planning officer will keep Ward Councillors abreast of any applications which, in the view of the planning officer, might be expected to have a material bearing on their interests and concerns.

**In this scheme of delegation a reference to a "red form" means the forms that have been produced and circulated by the Head of Planning Design and Control Services and does not extend to any other form of communication, e.g. Fax, email or telephone conversation.*

F. List of General Delegated Functions to Officers

All Service Unit Heads

General functions will be carried out in accordance with the specific list of delegations maintained by each Service.

Service Unit Heads are responsible for updating their records as soon as is reasonably possible to reflect any legislation and other changes.

1. Authority to act under all current or future legislation and Council plans, policies, guidelines and procedures relating to the services and functions managed, operated and controlled by the Head of the Service. This should be taken to include all regulations, orders and guidance subsequently issued by Ministers in relation to such services and functions.
2. Authority to manage day to day decisions relating to property and budgets controlled and operated by the Service Unit and staffing levels necessary for these, all in accordance with general policies and guidelines of the Council.

3. Approval of investigations under the Regulation of Investigatory Powers Act 2000

Note: The function applies to Service Unit Head of Housing and Community Services on behalf of his own Unit and Poole Housing Partnership Limited, Service Unit of Financial Services, Environmental and Consumer Protection Services, Revenues and Benefits Services, Legal and Democratic Services and Planning, Design and Control Services in conjunction with the Chief Executive and relevant Policy Director.

Head of Legal & Democratic Services

4. Authority to institute and defend all actions and proceedings and to draft, execute and process all deeds, documents, notices and applications of whatever nature which may be considered necessary or expedient to give effect to any decision of the Council, including Committees thereof and the Cabinet, in relation to property matters, whether made directly or under delegated powers.

Note: For details of the specific functions delegated to each Service Unit Head, please contact the relevant Service Unit.