

BELFAST CITY COUNCIL 2024



Scheme of Delegation to Chief Officers

Ratified by Council in December 2022

Last minor update January 2024

Version 3.13

| Version | Changes | Date | Author |
|---------|--|---------------|------------------------------------|
| 1.0 | New version of Scheme of delegation | March 2015 | Russell Connelly / Sandra Donnelly |
| 1.1 | Updated with: <ul style="list-style-type: none"> • Organisational and legislative changes • Planning-related changes • Licensing-related changes | November 2016 | Sarah Williams |
| 1.2 | Updated with amendments relating to: <ul style="list-style-type: none"> • BWUH Ltd • Innovation Factory • Building Control • Cleansing Services • Environmental Health • Parks & Leisure • Planning | November 2016 | Sarah Williams |
| 2.0 | Updated with amendments relating to: <ul style="list-style-type: none"> • Director of Planning & Place as recommended by Planning Committee in March 2017 and Licensing Committee in December 2016 • Recent organisational changes agreed at SP&R in November 2016 and January 2017 • A new clause to provide clarity on Building Control powers related to dual-language street signs • An amended clause to enable Environmental Health to cancel the registration of a number of food businesses as required under the new Food Law Code of Practice (Northern Ireland) 2016 <p>Approved at Strategic Policy and Resources on 19th May and ratified by Council on 1st June 2017</p> | April 2017 | Sarah Williams |
| 2.1 | Updated with clause relating to special events on roads - 3.8.8 (o). Two minor amendments made: <ul style="list-style-type: none"> - move Pavement Café legislation reference from Appendix C to Appendix B - reference to Appendix B in 3.8.2 changed to Appendix C <p>Approved at Strategic Policy and Resources on 22nd September and ratified by Council on 2nd October 2017</p> | October 2017 | Sarah Williams |
| 2.2 | Appendix B updated to include: <ul style="list-style-type: none"> - The Standardised Packaging of Tobacco Products Regulations 2015 | January 2018 | Sarah Williams |

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|---------|--|---------------|------------------|
| | <ul style="list-style-type: none"> - The Tobacco and Related Products Regulations 2016 <p>As per email request from Joanne Delaney (27/10/17) and Siobhan Toland 30/10/17. Minor amendments made using delegated power 3.3.12 (as it then was).</p> | | |
| 3.0 | <p>Updated with amendments relating to:</p> <ul style="list-style-type: none"> - Recent organisational changes - The addition of a provision to clarify what powers cannot be delegated from Chief Officers to Operational Directors (1.7) - The Connswater Greenway as agreed by P&C on 12/04/18 (3.6.24 and 3.6.25) - Houses of Multiple Occupancy as agreed by SP&R on 24/11/18 (3.6.27 the word 'material' has been added to reflect corresponding changes agreed to the Standing Orders) - Remove a provision (3.6.24) which is already provided for in the General Delegated Functions (2.4.3) - Added a new provision to reflect the Single Tender Action process which is approved through the Commercial Panel (2.5.4) - Moving a provision relating to the City Solicitor which was included under the former Director of Planning and Place (3.3.12) <p>Appendix B updated to include:</p> <ul style="list-style-type: none"> - The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order (Northern Ireland) 2018 - Consumer Rights Act 2015 - Criminal Justice and Police Act 2001 - The Waste (Amendment) (Northern Ireland) Order 2007 - The Cremation (Belfast) Regulations (Northern Ireland) 1961 | February 2019 | Sarah Williams |
| 3.1 | <p>Minor amendment made using delegated power 3.3.13:</p> <p>3.4.1 Approving event and activity requests for the use of the parks and open spaces along the Connswater Community Greenway in 2018/19, delivered by the CCGT in partnership with the Council.</p> | March 2019 | Sarah Williams |
| 3.2 | <p>Multiple amendments made to section on delegated authority on Planning (3.7). (A summary of the amendments is included in the Planning Committee report dated 10 December 2019).</p> | January 2020 | Russell Connelly |
| 3.3 | <p>Minor amendment using delegated power 3.3.13:</p> | May 2020 | Susan McNeill |

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| | Appendix B updated to include The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 | | |
| 3.4 | <p>Update:</p> <p>To move the following provisions from the Director of Finance & Resources to the Director of City & Organisational Strategy:</p> <ul style="list-style-type: none"> 2.6.5 Taking action, including terminating (excluding termination of service in respect of persons declared medically unfit) or varying contracts of employment in respect of employees below Head of Service level within their departments following consultation with the Director of City and Organisational Strategy and the City Solicitor as appropriate. Add new provision for clarity of terminology (is already covered by clause above): 3.4.10 Approving termination of service in respect of persons declared medically unfit <p>Amend 2.4.5 and 2.5 to remove references to the Director of Property & Projects and to delegate the exercise of functions previously held by such to the Chief Executive or Director of Finance & Resources as appropriate.</p> <p>Approved at Strategic Policy and Resources on 19th June and ratified by Council on 1st July 2020</p> | July 2020 | Susan McNeill |
| 3.5 | Minor update using delegated power 13.3.3: Appendix B updated to include the European Union (Withdrawal) Act 2018 | January 2021 | Susan McNeill |
| 3.6 | Update to amend Section 3.7.8 (l) to add the setting of trading hours in relation to pavement café licences to the delegated powers of the Strategic Director of Place and Economy. | March 2021 | Susan McNeill |
| 3.7 | <p>Minor update using delegated power 13.3.3: Appendix B updated to amend the description of the European Union (Withdrawal) Act 2018 to add 'as amended'.</p> <p>Minor update using delegated power 13.3.3: Appendix B updated to include the European Union (Withdrawal Agreement) Act 2020.</p> | April 2021 | Susan McNeill |

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|---------|--|---------------|------------------|
| 3.8 | Minor update using delegated power 13.3.3: Appendix B updated to include “The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021”. | December 2021 | Susan McNeill |
| 3.9 | Minor update using delegated power 13.3.3: Appendix B updated to include: <ul style="list-style-type: none"> • The Market Surveillance (Northern Ireland) Regulations 2021; • Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products; and • Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products | January 2022 | Susan McNeill |
| 3.10 | Update to add 3.5.18 to the delegated powers of the Strategic Director of Finance and Resources as follows: “Permitting the use of personal equipment and email/messaging accounts (with consent) in the event of a significant cyber-attack.” (Approved at 19 June 2022 SP&R Committee and ratified at Council on 4 July 2022) | July 2022 | Susan McNeill |
| 3.11 | Update to take account of the structural changes agreed at 23 September 2022 SP&R Committee and ratified by Council on 3 October 2022) in relation to the position of the Strategic Director of Finance and Resources <ul style="list-style-type: none"> • The Director of Finance is Added to Appendix A as a “Chief Officer”; • The specifically delegated functions to Strategic Director of Finance and Resources in Section 3.5 are now delegated to the Director of Finance; and • Where reference is made to the Strategic Director of Finance and Resources, this now reads as Director of Finance. Amendment to 3.7.8 (m) in relation to the power delegated to the Strategic Director of Place and Economy to refuse an application for a dual language street sign. Amendment to 3.7.8 (n) to the quota required to allow consideration of exceptional | October 2022 | Russell Connelly |

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| | <p>circumstances in relation to a dual language street application.</p> <p>(Revised Dual Language Street Signs Policy approved at 23 September 2022 SP&R committee and ratified at Council on 3 October 2022)</p> | | |
| 3.12 | <p>Minor amendment using delegated power 3.3.13:</p> <p>Appendix B updated to include:</p> <ol style="list-style-type: none"> 1. Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (as amended) 2. The Fire and Rescue Services (Northern Ireland) Order 2006 (but only where permitted by Memorandum of Understanding in force between Northern Ireland Fire and Rescue Services and Belfast City Council) 3. Licensing and Registration of Clubs (Amendment) Act (NI) 2021 <p>Appendix B amended to add ‘as amended’ to each of the following:</p> <ol style="list-style-type: none"> 1. The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (<u>as amended</u>) 2. The Building Regulations (Northern Ireland) Order 1979 (<u>as amended</u>) 3. The Building Regulations (Northern Ireland) 2012 (<u>as amended</u>) 4. The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (<u>as amended</u>) 5. The Licensing (Northern Ireland) Order 1996 (<u>as amended</u>) 6. The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 (<u>as amended</u>) 7. The Registration of Clubs (Northern Ireland) Order 1996 (<u>as amended</u>) 8. Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (<u>as amended</u>) <p>Amendment to 3.7.1 in relation to the Procedure for Elected Members referring applications to the Committee to: (i) extend the window for members requesting that an application is referred to the Committee from 21 days to 28 days and (ii) state that the 28-day period runs not only from the date that the application is advertised in the newspaper but also from the</p> | September 2023 | Susan McNeill |

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| | <p>date of Neighbour Notification, whichever is the later.</p> <p>Amendment to 3.7.2 (i) in relation to applications for demolition in a conservation area or area of townscape character so that only applications for full demolition that are recommended for approval are required to be referred to the Committee.</p> <p>(Amendments to 3.7.1 and 3.7.2 approved at November 2022 SP&R, ratified at December 2022 full Council, and subsequently approved by DfI)</p> | | |
| 3.13 | <p>Minor amendment using delegated power 3.3.13:</p> <p>Amendment to 3.1.20 to add the text in bold as follows:</p> <p>Consenting to lessees' <u>and licensees</u> requests for assignments, sub-lettings, permission to mortgage or charge, changes of use, new buildings, alterations, signage and other matters requiring the Council's consent under the terms of existing leases <u>and licences</u> and amendments of covenant affecting premises and the granting of utility wayleaves and short term licences/temporary easements (in the event that a licence or easement of more than six months in duration is sought, same will require to be brought to Committee for approval) in respect of all Council sites or properties.</p> | January 2024 | Susan McNeill |

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SCHEME OF DELEGATION

SECTION 1: PURPOSE AND INTERPRETATION

Section 1: Purpose and Interpretation

Purpose of the Scheme of Delegation

1.1 Part 8, paragraph 49(2) of the Local Government Act (Northern Ireland) 2014 requires local authorities to maintain a list:

- (a) specifying those **powers** of the council which are **exercisable by officers** of the council; in pursuance of arrangements made under this Act or any other statutory provisions for their discharge by those officers; and
- (b) stating the **title of the officer** by whom each of the powers so specified is so exercisable

except in cases where the arrangements for discharge by officers are for a specified period not exceeding six months.

1.2 In addition Section 31(1) of the Planning Act (Northern Ireland) 2011 also requires a council to produce a separate Scheme of Delegation detailing planning application decisions that can be delegated to officers; planning applications that must be decided by Committee and; arrangements for requesting applications to be brought to Committee that might otherwise be delegated. The delegations to the Licensing and Planning Committees are contained within the Committee terms of reference in the Council's Standing Orders documentation.

1.3 By delegating responsibility for specific duties to Chief Officers, Members will have more opportunity to concentrate on the most important strategic decisions of council policy including both corporately significant decisions and service delivery issues. This will allow officers to deal with operational issues in a more expedient way and reduce the overall administrative burden on the political process. Delegated authority is designed to aid the integrated management of the organisation, the effective deployment of resources and the efficient delivery of services and this Scheme should therefore be considered in that light.

1.4 The purpose of the Scheme is, therefore, to set out the decisions and authorisations which Members agree Chief Officers can make or grant without any further reference to Council or Committees. This authorisation will be conditional upon Committees receiving regular assurance on the application of the Scheme as set out in the reporting section ahead.

1.5 Decisions made by officers under delegated authority are not subject to reconsideration under 'Call-in' Part 7, paragraph 41 of the Local Government Act (NI) 2014, which applies only to decisions made by the Council or a Committee of the Council, the procedure for which is detailed in Standing Orders paragraph 48.

1.6 The delegations in this Scheme should be interpreted widely to assist with the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievements of the Council's goals.

General Principles of delegation

The Chief Executive and Chief Officers are empowered, through this Scheme, to make decisions on behalf of the Council in accordance with the following general principles:

Chief Officers - Rules on application of the Scheme of Delegation

- 1.7 The term 'Chief Officer' includes those titled officers as defined in Appendix A. Chief Officers may sub-delegate any of their delegated powers to their deputies or such other officer(s) as they may consider appropriate except powers 2.2.4, 2.2.7, 2.4.4 and 2.5.2 (the award of contracts below £100,000 can be delegated). Such delegations need not be evidenced in writing. Chief Officers will remain accountable for decisions taken by their deputies.
- 1.8 In the absence or unavailability of the officer to whom a function is delegated, the function may be exercised by the officer(s) responsible for the performance of their duties during such absence.
- 1.9 In a case where the exercise of a delegated power involves considerations within the remit of another Chief Officer, the Chief Officer exercising the power shall consult with that other Chief Officer prior to taking any final decision.
- 1.10 A Chief Officer may only exercise a delegated function under this Scheme subject to, and in accordance with -
 - the agreed plans (including but not limited to Community, Corporate, Departmental and Improvement Plans), strategies, policies, programmes and objectives approved by the Council
 - the Standing Orders, Financial Regulations, Equality Scheme, Codes of Conduct and other relevant governance policies contained within the Council's Constitution
 - the agreed estimates for their Department.
- 1.11 In exercising these delegated powers the officers concerned shall have broad discretion to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources as considered necessary.
- 1.12 Authority to exercise any delegated power includes the authority to take all reasonable necessary actions of an incidental or consequential nature and to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.

- 1.13 Chief Officers may, if they choose, and notwithstanding their power of delegation, refer any delegated matter to the relevant Committee in any case. Any decision which would otherwise be delegated under the Scheme should be reported to the relevant Committee if it is politically contentious, sensitive, significant or if it is otherwise in the public interest to do so.
- 1.14 Any reference in the Scheme to a statutory enactment should be taken to include any subsequent modification, re-enactment, regulations or subordinate legislation made thereunder.
- 1.15 Chief Officers shall consult with the Chief Executive in respect of agreeing any city partnership arrangements.
- 1.16 Chief Officers shall maintain a record of delegations and any sub-delegations pertaining to each of their Departments.

Members – Assurances on the application of the Scheme

- 1.17 The Council and its Committees shall retain authority for decisions on matters of **significant strategic policy**.
- 1.18 The Scheme does not delegate to Chief Officers –
- any matter reserved to full Council and which by law may not be delegated - that is, the power of setting the district rate, or of borrowing money or of acquiring, holding or disposing of land;
 - the adoption of any new policy, or major change to an existing agreed Council policy.
- 1.19 Delegation to deal with any matter shall not supersede the Council's power, or that of relevant Committees, to call for a report on any decision or action taken under the Scheme.
- 1.20 Where the exercise of a delegated function requires consultation with the Chairman of a Committee, the Deputy Chairman may act in the absence or non-availability of the Chairman.
- 1.21 The City Solicitor shall be responsible for ensuring that assurance is provided to Members on the use of the Scheme of Delegation and that any developments and amendments to the Scheme are correctly recorded so that it remains relevant and up to date.
- 1.22 The Council has an Assurance Framework in place which provides information on compliance with the various elements of the Council's governance framework, including performance reports, health and safety reports, finance reports, internal audit reports and risk management reports. The various 'in year' and 'year end' reports arising from the Assurance Framework are reviewed and approved by both the Audit & Risk Panel and Strategic Policy and Resources Committee annually.
- 1.23 Delegated matters are governed by robust policies covering financial regulations, procurement, human resources, IT etc. The assurance framework covers these areas and policy owners are responsible for ensuring that there is a framework in place for compliance monitoring, with any

instances of non compliance being reported to the Director of Finance and to Members. Key policy areas are subject to periodic internal audit and external audit review. In addition the governance framework is reviewed and reported annually in the Annual Governance Statement which forms part of the published financial statements. Chief Officers will also be required to provide assurance on the implementation of this Scheme within their departments. A more detailed assurance process will be developed requiring Chief Officers to sign quarterly assurance statements with a review against compliance recommended after year 1.

SCHEME OF DELEGATION

SECTION 2: GENERAL DELEGATED FUNCTIONS

Section 2: General Delegated Functions

All Chief Officers, as listed in Appendix A, have delegated authority to exercise the following general functions:

2.1 General management

All of the delegations listed below should be exercised in line with relevant Council policies.

- 2.1.1 Taking all necessary action for the effective day-to-day management, administration and supervision of the department, services and land and property assets for which the Chief Officer is responsible.
- 2.1.2 Implementing those strategies, programmes, actions, events and initiatives which the Chief Officer is responsible for, as set out in agreed Council plans (as outlined in paragraph 1.9).
- 2.1.3 Responding on behalf of the organisation, to consultation documents on operational and service specific matters that *do not* have corporately significant policy or financial implications.
- 2.1.4 Making initial applications for grant funding from external bodies (provided there is no financial commitment from the Council) where time constraints prohibit Council approval.
- 2.1.5 Developing and implementing specific promotions, schemes and events, waiving fees, offering refunds and taking other such action as may be required to take account of market conditions and/or to promote and protect the reputation of the Council.
- 2.1.6 Instructing the City Solicitor, where necessary, to take legal proceedings in relation to the recovery of debt, the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Chief Officer's department.
- 2.1.7 Entering into arrangements with other public authorities or bodies for the provision of services subject to this Scheme and the Financial Regulations.
- 2.1.8 Approving the use of marketing and promotional measures to attract and retain users and members of Council's services as considered useful.

2.2 Finance

All of the delegations listed below should be exercised in line with relevant Council policies and in particular should take account of the requirements of the Financial Regulations which reflect best practice and provide a practical source of advice to assist all Officers in the discharge of their duties.

- 2.2.1 Each Chief Officer should consult the Director of Finance in relation to any matter within his/her area of responsibility which is likely to have a material impact on the finances of the Council before either incurring any commitment or liability, whether provisional or otherwise, or by reporting the matter to a Committee in accordance with paragraph A9 of the Financial Regulations.
- 2.2.2 Each Chief Officer is responsible for ensuring that their Department receives all income and that it does not spend more than the amount of expenditure it has estimated in accordance with paragraph G1 of the Financial Regulations.
- 2.2.3 Chief Officers will exercise control over estimates at the level of both services and cost/profit centres. Chief Officers may incur any expenditure on matters for which the Council approved the estimates in accordance with Paragraph G2 of the Financial Regulations.
- 2.2.4 Chief Officers are responsible for agreeing in-year virements within their service revenue accounts within delegated limits as set out Paragraph G23 of the Financial Regulations.
- 2.2.5 Chief Officers must submit proposals for virement to the Director of Finance who may either approve the request or refer it to the Strategic Policy & Resources Committee in accordance with the guidelines contained in Paragraph G23 of the Financial Regulations.
- 2.2.6 Paying the cost of an employee's professional fees where it is legally necessary for the employee to perform their duties.
- 2.2.7 Writing off any loss of money (including bad debts) and loss of stores and obsolete equipment and materials in accordance with the limits outlined in the Financial Regulations.
- 2.2.8 Authorising employees to attend training and development events, technical visits and courses, including conferences, exhibitions, workshops and seminars and meetings of appropriate professional associations.
- 2.2.9 Authorising appropriate payments to employees in their department in respect of telephone, travel and subsistence allowances, standby and call out allowances, overtime, additional duties, costs of study courses and removal and relocation expenses.

- 2.2.10 Granting of small scale hospitality pursuant to section 33 of the Local Government Finance Act (Northern Ireland) 2011 subject to the financial limits set.
- 2.2.11 Authorising spend of available funding in accordance with the requirements of an external funder where time constraints would not allow advance notification to be made to the relevant Committee, subject to reporting at the next Committee meeting.
- 2.2.12 Fixing new charges (where none previously existed) subject to statutory provision, in consultation with the relevant Committee Chair.

2.3 Emergencies and cases of urgency

All of the delegations listed below should be exercised in line with relevant Council policies.

- 2.3.1 Taking such measures, including incurring expenditure¹ and initiating legal action, as may be required in emergency situations or cases of urgency, subject to advising the appropriate Chair.
- 2.3.2 Where such measures involve the Council incurring expenditure of an amount that is likely to result in the Committee's expenditure exceeding its approved estimate, then the Chief Officer should advise the Director of Finance.

2.4 Management of Land & Property Assets

The exercise of the following delegated powers is in relation to the management of the land and property assets (e.g. leisure centres, community centres, parks and open spaces, Belfast Castle, Malone House and Belfast Zoo) but excluding the City Hall for which the City Solicitor has responsibility. The use of these delegated powers is subject to Para 1.7 above that there is no disposal, holding or acquisition of land involved.

All of the delegations listed below should be exercised in line with relevant Council policies.

- 2.4.1 Permitting the use of such assets by Council departments and services and outside organisations.
- 2.4.2 Varying the opening times of, or restricting access to, or closing such assets in special circumstances (for example to permit maintenance or other operational reasons) in consultation with the Chairman of the relevant Committee.
- 2.4.3 Approving the holding of non-controversial events, conferences and promotions in such assets and applying any necessary hire and/or admission charges or discounted pricing.

¹ In accordance with Paragraph G16 of the Financial Regulations.

- 2.4.4 Following consultation with Party Group Leaders and Chairs of the relevant Committee, approving requests received in respect of potentially controversial events and activities in such assets where there is not sufficient time for Council approval to be obtained.
- 2.4.5 Granting temporary licences for the use of Council assets for the purpose of events/car parking or other temporary uses on appropriate commercial terms, subject to consultation with the Chief Executive and the City Solicitor.

2.5 Procurement

The exercise of the following delegated powers is subject to consultation with the Director of Finance & Resources to ensure that decisions are taken in accordance with any relevant Council policies and protocols, including Standing Orders and the Financial Regulations.

Under Standing Order 60(a) any contract that exceeds the statutory amount (currently £30,000 {exclusive of VAT}) needs to be made under the Corporate Seal. Under Standing Order 51(b) the Corporate Seal can only be affixed when there is a resolution of the Council.

All of the delegations listed below should be exercised in line with relevant Council policies.

- 2.5.1 Procuring goods, services or works under the statutory limit of £30,000 where the procurement
- (1) is in relation to matters of a routine or recurring nature; or
 - (2) is in relation to the operational requirements of the Department provided that it is not of an unusual or controversial nature; or
 - (3) is contained within an agreed Council plan.
- 2.5.2 Authorising a contract for the procurement of goods, services or works **over** the statutory limit of £30,000, following a tender exercise, where the Council has approved the invitation to tender and the award of the contract is made in accordance with the predetermined award criteria. Chief Officers should approve the authorising of contracts over £100,000.
- 2.5.3 Authorising a contract for the procurement of goods, services or works **up to** the statutory limit of £30,000.
- 2.5.4 Certifying Single Tender Actions (STA) where appropriate and, in so doing, ensuring STAs are compliant with Standing Orders and any STA procedure adopted by the Council.
- 2.5.5 Approving the changing of sureties by contractors provided the Council's interests remain fully protected.

- 2.5.6 Determining a contract awarded by the Council where the contractor is in breach of contract and unable or unwilling to proceed therewith, subject to prior consultation with the Chairman of the relevant Committee and the City Solicitor.
- 2.5.7 Taking action to ensure contract compliance and negotiating claims and contract variations.
- 2.5.8 Signing maintenance agreements subsequent to capital acquisitions agreed by the Council subject to consultation with the City Solicitor.
- 2.5.9 Subject to the Procurement rules, making arrangements for the supply of goods and services pursuant to Section 105 of the Local Government Act (Northern Ireland) 1972.
- 2.5.10 Negotiating an interim arrangement with a supplier in circumstances where a contract is being terminated.
- 2.5.11 Signing of certain contracts which are not subject to Sealing.

2.6 Human Resources

- 2.6.1 Appointing successful applicants to agreed establishment posts below Head of Service level as recommended by the selection panel.
- 2.6.2 Agreeing to a one month overlap period for the appointment of employees, provided that this can be accommodated within budget.
- 2.6.3 Allowing or disallowing all requests for leave, of any kind, in accordance with the Schemes of Conditions of Service adopted by the Council.
- 2.6.4 Approving other paid or unpaid leave of absence.
- 2.6.5 Taking action, including terminating (excluding termination of service in respect of persons declared medically unfit - for this see 3.4.10) or varying contracts of employment in respect of employees below Head of Service level within their departments following consultation with the Director of City and Organisational Strategy and the City Solicitor as appropriate.

2.7 Small Grant Schemes

- 2.7.1 Approving the allocation of small grants in line with the award criteria (up to a maximum level of £10,000), where the Committee has established and/or administers a scheme and has authorised the Chief Officer to manage its implementation.

SCHEME OF DELEGATION

SECTION 3: SPECIFICALLY DELEGATED FUNCTIONS

Section 3: Specifically delegated functions to individual Chief Officers

3.1 Chief Executive

The Chief Executive acts as the Council's principal advisor on policy matters and has responsibility for ensuring that all delegations are consistent with Council policy. Anything delegated to a Chief Officer is also delegated to the Chief Executive who has authority to act on their behalf and to exercise any relevant function accordingly.

In addition to the above the exercise of the following functions, **in line with relevant council policies**, is therefore delegated to the Chief Executive:

- 3.1.1 Undertaking all matters associated with the professional management of the Council.
- 3.1.2 Allocating or reallocating responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as she sees fit.
- 3.1.3 Authorising a Chief Officer to act in respect of a function, power or responsibility that has not been specifically reserved to the Council or Committee and lies within his or her remit to act.
- 3.1.4 Authorising any Chief Officer to act on behalf of any other Chief Officer as required in order to discharge their delegated functions as authorised in this Scheme.
- 3.1.5 Taking any operational decision, within agreed Council policies, in relation to the services for which any Chief Officer is responsible.
- 3.1.6 Requiring any officer of the Council to refer a matter to a Committee and/or Council even in instances where the officer may have delegated authority to deal with that matter.
- 3.1.7 Issuing a direction, as he or she considers appropriate, that any officer shall **not** exercise a delegated function.
- 3.1.8 Making a decision on the applicability of any delegated power in any specific case.
- 3.1.9 Acting, or nominating a Chief Officer to act, in instances where there may be doubt over responsibility for the exercise of any particular delegated power.

- 3.1.10 Developing and implementing appropriate city partnership arrangements to take forward the Council's plans and objectives (including establishment, membership, operation and committing of resources).
- 3.1.11 Settling, in consultation with the Deputy Chief Executive and City Solicitor, any points requiring interpretation or clarification on the practical application of this Scheme.
- 3.1.12 Signing legal documents on behalf of the Council and authorising the affixing of the Corporate Seal as required.
- 3.1.13 Invoking, and making whatever arrangements are necessary, for action under the Council's Emergency Plan.
- 3.1.14 Confirming the decisions of any Categorisation Panels or Joint Appeals Boards established under any of the Council's procedures.
- 3.1.15 Making purchases of artefacts or other items deemed appropriate for display within the City Hall up to a limit of £10,000 per annum.
- 3.1.16 Approving the provision of hospitality up to a limit of £500 per occasion.
- 3.1.17 Approving the attendance of the Chairman and Deputy Chairman (or nominees) of any of the Committees at any conference or seminar held in Northern Ireland where there is insufficient time for Committee approval to be obtained.
- 3.1.18 Approving the attendance of the Lord Mayor, Deputy Lord Mayor or the High Sheriff at events or visits on receipt of invitations.
- 3.1.19 Acting as the Deputy Returning Officer for local elections in the Belfast City Council area with responsibility for making the arrangements for Council elections in Belfast.

The exercise of the following functions, in line with relevant Council policies, is delegated to the Chief Executive who may delegate his/her relevant powers to the Director (Operational) of Physical Programmes:

- 3.1.20 Consenting to lessees' and licensees' requests for assignments, sub-lettings, permission to mortgage or charge, changes of use, new buildings, alterations, signage and other matters requiring the Council's consent under the terms of existing leases and licences and amendments of covenant affecting premises and the granting of utility wayleaves and short term licences/temporary easements (in the event that a licence or easement of more than six months in duration is sought, same will require to be brought to Committee for approval) in respect of all Council sites or properties.

- 3.1.21 Approving the affixing of the corporate seal to any documents to record formally the Council's consent to assignments, sub-lettings, permission to mortgage or charge, changes of use, new buildings, alterations, signage and any other matters requiring the Council's consent under the terms of the existing leases and amendments of covenant affecting premises, granting of utility wayleaves and short term licences/temporary easements and rent reviews at all Council sites or properties.
- 3.1.22 Approving adjusted rents in respect of leases at Council sites or properties, following the completion of the rent review process in accordance with the provisions of the leases.
- 3.1.23 Agreeing terms in relation to the lettings at Smithfield Market, including prior possession in cases of urgency, subject to consultation with the Chairman of the Committee.
- 3.1.24 Agreeing reduced charges for the acceptance of clays and soils associated with the development works of the North Foreshore.
- 3.1.25 Appointing arbitrators/independent experts as appropriate in the case of disputes arising in regard to rent reviews and other property matters.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.2 Deputy Chief Executive

The exercise of the following functions, **in line with relevant council policies**, is delegated to the Deputy Chief Executive:

- 3.2.1 Exercising, in the absence of or at the request of the Chief Executive, any of the delegated powers for which he or she has responsibility as listed in Section 3.1.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.3 City Solicitor / Director of Legal & Civic Services

The exercise of the following functions, **in line with relevant council policies**, is delegated to the City Solicitor:

- 3.3.1 Defending all claims made, or legal proceedings instituted against the Council, including the power to compromise or settle them, as appears necessary or desirable in the best interests of the Council.
- 3.3.2 Conducting of appeals to the Planning Appeals Commission and planning-related public inquiries.
- 3.3.3 Instituting legal proceedings on behalf of the Council, acting on the instructions of Council or of the relevant Chief Officer.
- 3.3.4 Authenticating of documents pursuant to Section 124 of the Local Government Act (Northern Ireland) 1972.
- 3.3.5 Signing legal documents on behalf of the Council and authorising the affixing of the Corporate Seal as required.
- 3.3.6 Briefing Counsel and taking Counsel's opinion.
- 3.3.7 Engaging external legal assistance as required.
- 3.3.8 Engaging such expert witnesses or commissioning such expert reports as may be required.
- 3.3.9 Authorising venues deemed as suitable places at which marriage ceremonies can be held.
- 3.3.10 Agreeing the involvement of outside agencies in any fraud investigation.
- 3.3.11 Taking any steps or measures necessary in an emergency or other situation of urgency, and in consultation with the Chief Executive, to preserve or defend the Council's legal interests.
- 3.3.12 The City Solicitor, in consultation with the Strategic Director of Place and Economy or the Director of Planning and Building Control, may refer a decision back to Committee for reconsideration.
- 3.3.13 Making minor amendments to the Scheme of Delegation to reflect organisational, functional or legislative changes.

- 3.3.14 Approving, when necessary, the use of the Reception Room by the Lord Mayor to cater for groups of visitors to the City Hall which may be too excessive for the Lord Mayor's personal suite of offices.
- 3.3.15 Permitting the use of the City Hall and the City Hall grounds by Council departments or service units.
- 3.3.16 Approving, in consultation with the Chair of the Strategic Policy and Resources Committee, urgent requests for the use of the City Hall, its grounds and the Cecil Ward Building, where these are considered to be within the established criteria approved by the Committee.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.4 Director of City and Organisational Strategy

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Director of City and Organisational Strategy.

- 3.4.1 Undertaking service reviews and approving all establishment changes proposed by the relevant Director, in respect of posts below the level of Head of Service, including the deletion of permanent posts and the creation of new permanent posts provided that there is no increase in the Department's approved staffing establishment and/or staffing budget for permanent posts².
- 3.4.2 Dealing with requests for the payment of honoraria for all posts.
- 3.4.3 Approving, in consultation with the City Solicitor, requests for approval of outside interests or employment made by employees.
- 3.4.4 Dealing with requests for the extension of half pay entitlement under the various occupational sick pay schemes.
- 3.4.5 Considering requests, in consultation with the Director of Finance, to extend the twelve month time limit for members of the Local Government Pension Scheme to make an option to aggregate two periods of LGPS membership, where it is in the employers' interest to do so or in circumstances where an LGPS member missed the time limit for reasons beyond their control.
- 3.4.6 Undertaking, in consultation with the relevant Chief Officer and the Chair of the relevant committee, the long listing and short listing of candidates for Chief Officer and Head of Service, prior to interview and appointment by the Strategic Policy and Resources Committee.
- 3.4.7 Authorising recruitment and retention incentives, in consultation with the Director of Finance, including relocation expenses schemes and approving other arrangements that allow flexibility in the recruitment process, (for example, extend timescales, relax criteria etc) subject to satisfying Inland Revenue requirements where Tax and NI deductions are concerned.
- 3.4.8 Determining requests for the release of pension benefits on compassionate grounds in consultation with the Director of Finance.
- 3.4.9 Determining requests for early and flexible retirement in consultation with the Director of Finance.

² Staff management changes resulting in an increase in approved Departmental staffing establishment and/or staffing budget for permanent posts and/or those which effect any changes to posts at third tier and above (Head of Service level) are subject to approval by the Strategic Policy and Resources Committee.

- 3.4.10 Approving termination of service in respect of persons declared medically unfit.
- 3.4.11 Determining essential and casual car user status for all Council employees.
- 3.4.12 Creating new temporary posts provided that there is no increase in approved staffing establishment and/or staffing budget.
- 3.4.13 Determining the grading of posts.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.5 Director of Finance³

The exercise of the following functions, **in line with relevant council policies**, is delegated to the Director of Finance.

- 3.5.1 Making safe and efficient arrangements for proper administration of financial affairs pursuant to Section 1 of the Local Government Finance Act (Northern Ireland) 2011.
- 3.5.2 Due administration associated with the issue of mortgages including the fixing of interest rates to reflect prevailing market conditions.
- 3.5.3 Due administration of all unfunded pensions to former employees of Belfast Corporation and Belfast City Council.
- 3.5.4 Due administration of Council reserves.
- 3.5.5 Approving increase in sums of a capital scheme as provided for under the Financial Regulations.
- 3.5.6 Making appropriate transfers between the various bank accounts of the Council.
- 3.5.7 Approving the transfer of funds from one budget heading to another within Committee in accordance with Financial Regulations.
- 3.5.8 Approving requests for car loans to approved car users.
- 3.5.9 Authorising employees, in liaison with the relevant Director to attend international training and development events, technical visits and courses, including conferences, exhibitions, workshops and seminars and meetings of appropriate professional associations.
- 3.5.10 Making payment of expense claims to Council Officers in line with the Council's Travel and Subsistence Policy and in accordance with paragraph V1 of the Financial Regulations.

³ The Chief Executive is, for the purpose of Section 1 of the Local Government Finance Act (Northern Ireland) 2011, the designated Officer responsible for the proper administration of the Council's financial affairs. The Director of Finance will provide assistance to the Chief Executive in this role & will have the delegated authority, subject to Standing Orders and any resolutions of the Strategic Policy and Resources Committee or the Council, to do all things necessary to secure the proper administration of the Council's financial affairs.

- 3.5.11 Approving travelling and subsistence expenses for employees in excess of those generally approved by the Council in special circumstances where expenses in excess of allowances are unavoidable.
- 3.5.12 Making payments to Members, including co-opted Members of the Council or its Committees of travelling or other allowances in accordance with paragraph V3 of the Financial Regulations.
- 3.5.13 Reviewing from time to time the rates of subsistence allowances paid to elected Members and employees attending conferences etc. both within and outside the United Kingdom.
- 3.5.14 Reimbursing Member or employee expenses on an actual cost basis, in exceptional circumstances, subject to the submission of vouchers or receipts, where this exceeds the relevant allowance.
- 3.5.15 Reviewing, from time to time, the limits for small scale hospitality.
- 3.5.16 Effecting (but not cancelling nor refusing to effect) registrations and maintaining a register of small lottery societies.
- 3.5.17 Making arrangements for the supply of computer software and services to other persons pursuant to Article 20 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.
- 3.5.18 Permitting the use of personal equipment and email/messaging accounts (with consent) in the event of a significant cyber-attack.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.6 Strategic Director of City and Neighbourhood Services

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Strategic Director of City and Neighbourhood Services who may delegate his/her relevant powers to his/her deputies, the Directors (Operational) of City and Neighbourhood Services:

3.6.1 The functions listed at (a) to (o) below in relation to the legislation set out in Appendix B and to the legislation made thereunder:

- (a) enforcing all regulations, orders and bye-laws made under the said legislation;
- (b) issuing and serving certificates and notices;
- (c) granting (but not withdrawing, suspending or refusing) authorisations, approvals and consents;
- (d) exercising all powers in relation to the issue (but not refusal) of certificates, permits and licences;
- (e) effecting registrations and maintaining statutory registers;
- (f) instituting legal proceedings, in consultation with the City Solicitor, and making legal applications on behalf of the Council;
- (g) authorising persons and officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- (h) executing works where the responsible party is in default of compliance with any notice or Order and in an emergency where empowered by statute;
- (i) generally enforcing all other statutory powers conferred on the Council or pursuant to any arrangement made under Section 104 or 105 of the Local Government Act (NI) 1972;
- (j) Making Orders for the charges to be paid in connection with the use of an off-street parking place;
- (k) Appointing such persons as may be necessary for the superintendence of parking spaces;
- (l) Making Orders for the use of any parking place and the conditions on which it may be used;

- (m) Making Orders restricting the use of a specified parking place;
 - (n) Making Orders to authorise the use of a part of an off-street parking place or places for the collection of recyclable material, for advertising or for displaying information to the public;
 - (o) Making Orders for the suspension of the use of a parking place or any part of it for specified occasions or circumstances and in consultation with the City Solicitor, entering into arrangements for the use of the said parking place;
- 3.6.2 Authorising under Article 22 (2)(c)(i) of the Health and Safety at Work (Northern Ireland) Order 1978 on behalf of the Council, suitable persons to accompany inspectors who have been appointed by the Council under Article 21 of the said Order.
- 3.6.3 Arranging burials and cremations under Section 25 of the Welfare Services Act (Northern Ireland) 1971.
- 3.6.4 Detaining a dog or causing a dog to be disposed of, sold or destroyed in accordance with Articles 23 or 48 of The Dogs (Northern Ireland) Order 1983.
- 3.6.5 Approving exceptions to the imposition of charges for the collection of commercial waste where such waste appears to be arising from premises occupied for charitable purposes and the temporary nature of occupation prevents the granting of relief from the payment of rates under Article 41(2)(C) of the Rates (Northern Ireland) Order 1977.
- 3.6.6 Applying an appropriate charge for the collection of commercial waste where traders require an evening or weekend collection.
- 3.6.7 Revising the prices and charging structure for the commercial waste collection service.
- 3.6.8 Agreeing any transfer or assignment of enforcement responsibility under Regulation 7 and Regulation 8(1) of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999.
- 3.6.9 Exercising powers under Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 in relation to the removal or obliteration of graffiti, placards or posters.
- 3.6.10 Authorising persons, other than officers of the Council, for the purposes of Section 10(2) of the Noise Act 1996.
- 3.6.11 Signing on behalf of the Council, licence agreements for the use of lands to be utilised for the installation of mini-bring recycling facilities.
- 3.6.12 Enforcing all bye-laws made for the protection of the Council's parks and other amenity facilities.

- 3.6.13 Allocating allotment plots and terminating lettings and providing financial or 'in kind' support for the development or running of community gardens or allotments in line with Council policy in consultation with the City Solicitor.
- 3.6.14 Purchasing, selling and exchanging animals for the Zoological Gardens up to a limit of £30,000 for each transaction.
- 3.6.15 Approving variations to the agreed work plan and agreements with the leisure trust and its strategic operating partner, in line with the politically agreed objectives of the associated agreements and managing the operation of the Trust of a day to day basis.
- 3.6.16 Enforcing The Burial Grounds Regulations 1992 and The Cremation (Belfast) Regulations (Northern Ireland) 1961.
- 3.6.17 Maintaining a Register of Burials.
- 3.6.18 Allocating grave spaces and issuing grants of right of burial.
- 3.6.19 Undertaking cremations at the City of Belfast Crematorium.
- 3.6.20 Making arrangements for the appointment of a medical referee to the city of Belfast Crematorium in line with Council policy and procurement practices.
- 3.6.21 Protecting public rights of way and generally enforcing the Access to the Countryside (Northern Ireland) Order 1983.
- 3.6.22 Enforcing the provisions of the High Hedges Act (NI) 2011 and carrying out a series of functions associated with performing the Council's statutory role under the High Hedges legislation. These are:
- Enforcing all Regulations or Acts made and remedial notices under the High Hedges Act (NI) 2011
 - Issuing and serving remedial notices
 - Exercising all powers in relation to the High Hedges Act (NI) 2011
 - In conjunction with Legal Services, instituting legal proceedings and making legal applications on behalf of Belfast City Council
 - Authorising individual officers for the purpose of exercising any statutory power under the High Hedges Act (NI) 2011.
- 3.6.23 Approving of the repeat hosting of an annual event for a specified number of years subject to the event remaining broadly similar over time.

3.6.24 [removed Feb 2019].

3.6.25 Approving event and activity requests for the use of the parks and open spaces along the Connswater Community Greenway, delivered by the CCGT in partnership with the Council.

3.6.26 Approving event and activity requests which may include licensing arrangements such as trading or the selling of alcohol at the main event spaces along the Connswater Community Greenway including the C.S. Lewis Square, Orangefield Park and Victoria Park. Please note an entertainment license is already in place for the Connswater Community Greenway.

3.6.27 Exercising all powers in relation to the issue, but not refusal, of Houses in Multiple Occupation licences, excluding provisions relating to:

- applications for the grant, renewal, transfer or variation of licences where material objections are received;
- applications where officers believe there may be an issue in relation to the fitness of the applicant to hold a licence;
- approving any guidance documents;
- setting of licence fees;
- revocation of licences, except where in the public interest, the Director, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.7 Strategic Director of Place and Economy

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Strategic Director of Place and Economy, who may delegate his/her relevant powers to his/her deputies unless otherwise stated, namely Director (Operational) of Economic Development, Director (Operational) of Planning and Building Control and Director (Operational) of City Regeneration and Development:

Planning

3.7.1 An elected Member of the Council may request that an application that relates to a site within their District Electoral Area or within an adjoining District Electoral Area or within the City Centre⁴ is referred to the Planning Committee provided that the request is made in writing or by email to Democratic Services within 28 days of either: the date that the application is publicly advertised in the newspaper or the date of Neighbour Notification, whichever is the later. The Member shall clearly state their reason/s for requesting referral of the application to the Planning Committee, which must be material planning considerations. The Strategic Director of Place and Economy shall determine whether the reason/s are material planning consideration/s and of sufficient importance for consideration by the Planning Committee. Democratic Services will advise the relevant Member of their decision. If the decision is not to refer the application to the Planning Committee, then the decision shall be delegated to the Strategic Director of Place and Economy. Democratic Services will notify the Member that made the request of the outcome of their request to refer the application to the Planning Committee. Where the application is to be referred to the Planning Committee, Democratic Services will notify all Members. Where an application is referred to the Planning Committee under this provision the planning service shall notify the applicant at least five calendar days before the application is discussed by the Planning Committee.

3.7.2 The functions listed below in relation to the legislation set out in Appendix C and legislation made thereunder for which the Planning Committee has responsibility. The thresholds set out at paragraph 3.7.2 (a) only apply where a representation⁵ has been received which conflicts with the Planning Officer's recommendation. Where no representations have been received that conflict with the Planning Officer's recommendation, the thresholds do not apply and the decision is delegated to the Strategic Director of Place and Economy.

- (a) determining applications for the following categories of local developments⁶ , including building, engineering and other operations and material changes of use:

⁴ City Centre as defined by the Draft Belfast Metropolitan Area Plan 2015

⁵ Representation means a consultation response received during the consultation period including, but not limited to, responses from technical consultees, neighbours and the public. Conflict must be related to material planning considerations. Correspondence from an applicant is not deemed to be a Representation.

⁶ The definition of local development is provided for by section 25 of the Planning Act (Northern Ireland) 2011

- i. housing schemes up to and including 12 units other than proposals for change of house type on an approved scheme below 50 units;
 - ii. retailing below 500 square metres gross floor space outside the City Centre or District Centres; or below 2,500 square metres gross floor space within the City Centre or District Centres;
 - iii. office space below 5,000 square metres gross floor space;
 - iv. business, light industry, general industry and storage and distribution below 2,500 square metres gross floor space;
 - v. community-related scheme up to 500 square metres gross floor space;
 - vi. recreation and culture below 1,000 square metres gross floor space outside town centres or below 5,000 square metres gross floor space within town centres;
 - vii. hotels and hostels below 30 beds.
- (b) determining applications for landscaping, car parking and minor works ancillary to the main use of the land which they are to be located; works required for the purposes of providing disability access; the erection of smoking shelters etc.;
- (c) determining applications for alterations and extensions to residential property and ancillary and incidental residential development within the curtilage of residential property;
- (d) determining applications for change of use but excluding those relating to student accommodation and amusement arcades;
- (e) varying **or** removing conditions except when the variation **or** removal relates to, or constitutes, a major development;
- (f) refusing any application, other than an application for major development, where all of the necessary supporting documentation has been reasonably requested but not provided to the Council within 28 days from the date of the request;
- (g) determining applications for discharge of conditions;
- (h) determining applications for a non-material change;
- (i) determining applications for works to, or demolition of, buildings or structures in conservation areas and areas of townscape character, except where it involves full demolition of a main building (excluding buildings which are ancillary or incidental) and the officer recommendation is to grant demolition consent or planning permission;
- (j) determining applications for listed building consent, excluding partial or full demolition
- (k) determining applications for the display of advertisements;
- (l) determining applications for certificates of lawful development (existing and proposed);
- (m) determining Pre-Application Notifications;
- (n) exercising the Council's powers in relation to the preservation of trees;
- (o) the making of a screening opinion or scoping opinion in relation to Environmental Impact Assessment⁷; Strategic Environmental Assessment/Sustainability Appraisal⁸; Habitats Regulations Assessment⁹; and Rural Needs Impact Assessment¹⁰

⁷ Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

⁸ Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (EAPP)

⁹ Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

¹⁰ Rural Needs Act (Northern Ireland) 2016

- (p) enforcing all regulations and orders made under the said legislation and issuing and serving of notices;
- (q) executing works in default of compliance with any notice or order and in an emergency where empowered by statute and recovering the costs of so doing;
- (r) temporary listing of buildings including the issuing of building preservation notices and listing in urgent cases;
- (s) instituting legal proceedings, in consultation with the City Solicitor, on behalf of the Council;
- (t) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- (u) lodging representations including objections, in consultation with the City Solicitor, in relation to planning applications where the Council has been notified as part of the statutory process or where the Council's interests are likely to be affected;
- (v) responding to consultations from neighbouring authorities in relation to their Local Development Plan;
- (w) administering statutory registers;
- (x) registering and removing notices and charges in the Statutory Charges Register, in consultation with the City Solicitor;
- (y) conducting of planning related appeals to the Planning Appeals Commission, Public Examinations and other planning related public inquires;
- (z) responding to planning related consultations from Government Agencies unless the Strategic Director of Place and Economy considers that the consultation raises a significant planning issue for the Council, relates to a matter which is controversial or likely to be of significant public interest.

3.7.3 In relation to planning related Public Examinations, the Strategic Director of Place and Economy may, in consultation with the City Solicitor / Chief Executive where it is considered necessary, carry out the following functions:

- (a) agree minor, typographical or factual changes or modifications to the Council's Local Development Plan Documents; and
- (b) agree changes to the wording (but not the trigger points) of the operational policies which may change the emphasis but not the overall objectives of the policy.

3.7.4 Negotiating financial contributions from developers in respect of those agreements in which the contribution is equal to or less than £30,000.

3.7.5 The delegated functions set out above do not apply to the following planning applications:

- (a) Those made by elected members of the Council;
- (b) Those made by Council staff at senior management grade (PO12) or above and all staff in Place and Economy Department and Legal Services;
- (c) Those made by the Council;
- (d) Those in which the Council has an estate;
- (e) Proposals for major development;

- (f) There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve
- (g) Purpose built student accommodation

3.7.6 All other applications, permissions or provisions of the legislation which are not specifically listed above shall be deemed to be delegated unless otherwise provided for within this Scheme.

3.7.7 Where a function is normally delegated but raises issues which the Strategic or Operational Director believes should be considered by the Committee, that matter will be referred to the Committee.

Building Control and Licensing

3.7.8 The functions listed below in relation to the legislation set out in Appendices B and C and legislation made thereunder for which the Strategic Director of Place and Economy has responsibility:

- (a) Enforcing all regulations, orders and bye-laws made under the said legislation;
- (b) Issuing and serving certificates and notices;
- (c) Granting, withdrawing, suspending and refusing authorisations, approvals and consents and rejecting plans;
- (d) Exercising all powers in relation to the issue (but not refusal) of permits and licences;
- (e) Refusing any Entertainments Licence application where all of the necessary supporting documentation, including a Fire Risk Assessment, has not been provided to the council within six weeks from the date of receipt of that application or if the application is otherwise incomplete, inaccurate or falsified;
- (f) Effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers;
- (g) Instituting legal proceedings, in consultation with the City Solicitor, and making legal applications on behalf of the Council;
- (h) Authorising persons and officers pursuant to relevant legislation for the purposes of exercising statutory powers;
- (i) Dispensing with or relaxing, or refusing to dispense with or relax, Building Regulations and inviting representations thereon;
- (j) Executing works where the responsible party is in default of compliance with any notice or Order and in an emergency where empowered by statute;

- (k) Generally enforcing all statutory powers conferred on the Council or pursuant to any arrangement made under Section 104 or 105 of the Local Government Act 1972;
 - (l) Exercising all powers in relation to the issue, but not refusal, of pavement café licences, including the setting of trading hours in relation to pavement café licences, but excluding provisions relating to:
 - i. applications for the grant, renewal or variation of licences where adverse representations are received;
 - ii. compulsory variation of licences;
 - iii. revocation of licences;
 - iv. setting of licence fees;
 - v. suspension of licences except where in the public interest the Strategic Director, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately;
 - (m) Refusing any Dual Language Street Sign application where all necessary survey actions have been carried out, the application does not receive the support of fifteen percent of those on the electoral register in the street as set out in the Dual Language Street Signs Policy, and no exceptional circumstances have been submitted by the applicant.
 - (n) For any Dual Language Street Sign application which does not meet the fifteen percent quota an applicant may provide exceptional circumstances why the quota was not met. Where these circumstances relate only to the processing of a survey, the Strategic Director, in conjunction with the City Solicitor, will determine whether such exceptional circumstances exist to refer the matter to Committee. Where exceptional circumstances relate to matters other than the processing of a survey the matter will be presented to Committee.
 - (o) Exercising all powers in relation to the making of an Order restricting or prohibiting temporarily the use of a public road in connection with special events, excluding provisions relating to:
 - i. applications for an order where adverse representations are made
 - ii. the recovery of costs incurred by the Council as a consequence of making an Order and such other matters as the Director deems appropriate
- 3.7.9 Lodging objections, in consultation with the City Solicitor, in relation to notices of applications received under the following (and any other subsequent amending or substituting) legislation:
- The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1995
 - The Licensing (Northern Ireland) Order 1996
 - The Registration of Clubs (Northern Ireland) Order 1996

3.7.10 Issuing Property Certificates.

Economic Development

- 3.7.11 Allocating stalls and pitches at St George's Market and any other Council run markets.
- 3.7.12 Approving a 'Grant of Licence' to markets in the case of -
 - (1) Car boots sales with less than 20 persons trading
 - (2) A market which is considered to be de minimus and/or
 - (3) Any market which is carried out solely for charitable purposes
- 3.7.13 Approving the holding of a market in special circumstances where there is not sufficient time for the procedural requirement of four months' notice under the Markets Policy.
- 3.7.14 Enforcing all bye-laws made for the protection of Council's markets.
- 3.7.15 Approving variations to the agreed Business Plan and agreements with Belfast Waterfront and Ulster Hall Limited, in line with the politically agreed objectives of the associated agreements.
- 3.7.16 Making, or referring to Committee as appropriate, any decisions relating to Belfast Waterfront and Ulster Hall Limited, which may be required in respect of reserved matters.
- 3.7.17 Approving variations to the agreed Business Plan and agreements with the Innovation Factory operator, in line with the politically agreed objectives of the associated agreements.
- 3.7.18 Entering into contracts on appropriate commercial terms in relation to the Innovation Factory.

City Centre Regeneration

- 3.7.19 Negotiating contributions from developers, insofar as it relates to city centre development, subject to obtaining Committee consent in respect of those agreements in which the contribution exceeds £30k.
- 3.7.20 Managing the City Centre Regeneration Fund and developing and bringing forward funding applications where required
- 3.7.21 Commissioning specialist services to support the implementation of the city centre regeneration framework
- 3.7.22 Undertaking masterplanning to support proposals for city centre regeneration

Appendix A – Definition of Chief Officer

In this Scheme the expression Chief Officer means:

- Chief Executive
- Deputy Chief Executive
- Strategic Director of City and Neighbourhood Services
- Director of Finance
- Strategic Director of Place and Economy
- City Solicitor / Director of Legal & Civic Services
- Director of City and Organisational Strategy

Appendix B – Legislation in respect of which functions are delegated to Chief Officers

Note that these are the principal pieces of legislation under which the Council derives its functions. This list is not exhaustive.

Any delegation to an officer to take action under a particular statutory provision, or relevant local authority bye-law, shall be deemed to authorise action under any statutory re-enactment or amendment of that provision, and any statutory regulations, order, or direction made under that provision both before and after the date of this Scheme. References to statutory requirements in this scheme include relevant European legislation and directives as applicable.

The Anti-social Behaviour (Northern Ireland) Order 2004

Belfast Corporation Act 1911

Belfast Improvement Act 1878

Belfast Local Acts 1845-1948

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended)

The Building Regulations (Northern Ireland) Order 1979 (as amended)

The Building Regulations (Northern Ireland) 2012 (as amended)

The Burial Grounds Regulations 1992

Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (as amended)

Bye-laws made by Belfast City Council pursuant to Section 90 of the Local Government Act (NI) 1972 for:

- Control of the Business of Tattooing 1987
- Control of the Practice of Acupuncture 1987
- Control of the Business of Ear-piercing and Electrolysis 1987
- Regulation of Parks 1992
- Regulation of Playing Fields 1993
- Regulation of Open Parks 1994
- Regulation of Small Neighbourhood Parks and Open Spaces and Public Walkways 1994

- Childrens' Playgrounds 1997
- Good Rule and Government – City Hall Grounds 1997
- Belfast Zoological Gardens 1998
- St George's Market 2000
- Control of Business of Semi-permanent Skin-colouring 2007
- Control of Business of Cosmetic Piercing 2007
- Consumption of Intoxicating Liquor in Designated Places 2012

Bye-laws made by Castlereagh Borough Council pursuant to Section 90 of the Local Government Act (NI) 1972 for:

- Consumption of Intoxicating Liquor in Designated Places 1996

Bye-laws made by Castlereagh Rural District Council pursuant to Section 36 of the Local Government (Ireland) Act 1898

- Pleasure Grounds 1969

Bye-laws made by Lisburn Borough Council pursuant to Part VI of the Local Government Act (NI) 1972 for:

- Lisburn Leisure and Activity Centres 1989
- Regulation of Small Neighbourhood Parks, Open Spaces and Public Walkways 1998
- Regulation of Enclosed Parks 1998
- Recreational Facilities and Aberdelghy Golf Course 1996
- Regulation and Management of Playgrounds 1988

Caravans Act (Northern Ireland) 2011

The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991

The Cinemas (Northern Ireland) Order 1991

Clean Air (Northern Ireland) Order 1981

Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

Consumer Protection Act 1987

Consumer Rights Act 2015

Control of Greyhounds etc. Act (Northern Ireland) 1950

The Cremation (Belfast) Regulations (Northern Ireland) 1961

Criminal Justice and Police Act 2001

Dangerous Dogs Compensation and Exemption Schemes Order 1991

The Dangerous Dogs (Northern Ireland) Order 1991

Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations (Northern Ireland) 2012

Dogs (Amendment) Act (Northern Ireland) 2001

Dogs (Amendment) Act (Northern Ireland) 2011

The Dogs (Northern Ireland) Order 1983

The Dogs (Guard Dog Kennels) Regulations (Northern Ireland) 2013

The Dogs (Specified Maximum) (Belfast) Order 2012

The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (as amended)

The Environment (Northern Ireland) Order 2002

European Communities Act 1972

European Union (Withdrawal) Act 2018, as amended

European Union (Withdrawal Agreement) Act 2020

Explosives Act (Northern Ireland) 1970

The Fire and Rescue Services (Northern Ireland) Order 2006 (but only where permitted by Memorandum of Understanding in force between Northern Ireland Fire and Rescue Services and Belfast City Council)

Food and Environment Protection Act 1985

Food Hygiene Rating Act 2016

The Food Safety (Northern Ireland) Order 1991

The Fouling of Land by Dogs (Belfast City Council) Order 2012

Free Printed Matter (Belfast) Designation Order 2012

The General Product Safety Regulations 2005

Hairdressers Act (Northern Ireland) 1939

Health Act 2009

The Health (2009 Act) (Commencement No.1) Order (Northern Ireland) 2012

Health and Personal Social Services (Northern Ireland) Order 1978

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020

The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021

Health and Safety at Work (Northern Ireland) Order 1978

Health & Social Care (Reform) Act (Northern Ireland) 2009

High Hedges Act (Northern Ireland) 2011

Housing (Amendment) Act (Northern Ireland) 2011

The Housing (Northern Ireland) Order 2003

The Housing (Northern Ireland) Order 1992

Housing (Northern Ireland) Order 1981

The Licensing (Northern Ireland) Order 1996 (as amended)

Licensing and Registration of Clubs (Amendment) Act (NI) 2021

Licensing of Pavement Cafés Act (Northern Ireland) 2014

The Litter (Northern Ireland) Order 1994 – Excluding Article 10

Local Government Act (Northern Ireland) 1972

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - excluding provisions relating to the issue of all sex establishment licences and those entertainments licences where adverse representations have been made.

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 (as amended) – excluding provisions relating to street names.

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002

The Local Government (Northern Ireland) Order 2005

The Market Surveillance (Northern Ireland) Regulations 2021

Noise Act 1996 (as amended)

Petroleum (Consolidation) Acts (Northern Ireland) 1929

Petroleum (Transfer of Licences) Acts (Northern Ireland) 1937

The Petroleum (Consolidation) Act (Amendment of Licensing Provisions) Regulations (Northern Ireland) 2012

Poisons (Northern Ireland) Order 1976

Pollution Control and Local Government (Northern Ireland) Order 1978

The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

The Private Tenancies (Northern Ireland) Order 2006

Psychoactive Substances Act 2016

Public Health Acts 1878 to 1967

Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949

Rats and Mice Destruction Act 1919

The Registration of Clubs (Northern Ireland) Order 1996 (as amended)

Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products

Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products

Rent (Northern Ireland) Order 1978

The Roads (Northern Ireland) Order 1993

Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (as amended)

The Road Traffic Regulation (Northern Ireland) Order 1997

The Safety of Sports Grounds (Northern Ireland) Order 2006

The Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order (Northern Ireland) 2018

The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997

The Smoking (Northern Ireland) Order 2006

Street Trading (Regulation) Act (Northern Ireland) 1929 (repealed in part)

Street Trading Act (Northern Ireland) 2001

The Fire and Rescue Services (Northern Ireland) Order 2006 (but only where permitted by Memorandum of Understanding in force between Northern Ireland Fire and Rescue Services and Belfast City Council).

Sunbeds Act (Northern Ireland) 2011

Tobacco Advertising and Promotion Act 2002

Tobacco Retailers Act (Northern Ireland) 2014

The Standardised Packaging of Tobacco Products Regulations 2015

The Tobacco and Related Products Regulations 2016

Town Improvement Clauses Act 1847

The Traffic Management (Northern Ireland) Order 2005

Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products 2012

The Waste and Contaminated Land (Northern Ireland) Order 1997

The Waste (Amendment) (Northern Ireland) Order 2007

Welfare of Animals Act (Northern Ireland) 2011

The Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013

Welfare Services Act (Northern Ireland) 1971

Appendix C – Legislation in respect of which functions are delegated to Director of Place and Economy

Note that these are the principal pieces of legislation under which the Council derives its planning functions. This list is not exhaustive.

Any delegation to an officer to take action under a particular statutory provision, or relevant local authority bye-law, shall be deemed to authorise action under any statutory re-enactment or amendment of that provision, and any statutory regulations, order, or direction made under that provision both before and after the date of this Scheme. References to statutory requirements in this scheme include relevant European legislation and directives as applicable.

Caravans Act (Northern Ireland) 2011

The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995

The Enterprise Zones (Northern Ireland) Order 1981

The Land Acquisition and Compensation (Northern Ireland) Order 1973

The Land Compensation (Northern Ireland) Order 1982

The Land Development Values (Compensation) Act (Northern Ireland) 1965

Lands Tribunal and Compensation Act (Northern Ireland) 1964

Planning (Northern Ireland) Act 2011

The Planning Reform (Northern Ireland) Order 2006

The Planning (Amendment) (Northern Ireland) Order 2003

Planning (Compensation, etc.) Act (Northern Ireland) 2001

Planning (Northern Ireland) Order 1991

The Planning and Building Regulations (Amendment) (Northern Ireland) Order 1990

The Planning (Amendment) (Northern Ireland) Order 1982

The Planning Blight (Compensation) (Northern Ireland) Order 1981

The Planning (Amendment) (Northern Ireland) Order 1978

The Planning (Northern Ireland) Order 1972

Planning and Land Compensation Act (Northern Ireland) 1971

The Private Streets (Northern Ireland) Order 1980