

BELFAST CITY COUNCIL 2015



Scheme of Delegation To Chief Officers

March 2015

To be formally ratified at AGM in time for new Council on 1st April 2015 as a requirement of the Constitution

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¹ The authority delegated to individual Chief Officers will be realigned to conform with changes to the organisational structure.

SCHEME OF DELEGATION

SECTION 1: PURPOSE AND INTERPRETATION

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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 47.

- 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. Authority to take decisions and other actions under the Scheme should be exercised in the name of the delegated officer but not necessarily personally by them. 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.
- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 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.

- 1.12 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.
- 1.13 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.
- 1.14 Chief Officers shall consult with the Chief Executive in respect of agreeing any city partnership arrangements.
- 1.15 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

- 1.16 The Council and its Committees shall retain authority for decisions on matters of **significant strategic policy**.
- 1.17 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.
- 1.18 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.
- 1.19 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.
- 1.20 The Town 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.
- 1.21 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.

1.22 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 Resources 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

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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 Town 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.
- 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

- 2.2.1 **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.**
- 2.2.2 Each Chief Officer should consult the Director of Finance & Resources 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.
- 2.2.3 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.
- 2.2.4 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.
- 2.2.5 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.
- 2.2.6 Chief Officers must submit proposals for virement to the Director of Finance & Resources 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.
- 2.2.7 Paying the cost of an employee's professional fees where it is legally necessary for the employee to perform their duties.
- 2.2.8 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.
- 2.2.9 Authorising employees to attend training and development events, technical visits and courses, including conferences, exhibitions, workshops and seminars and meetings of appropriate professional associations.
- 2.2.10 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.

- 2.2.11 Granting of small scale hospitality pursuant to section 33 of the Local Government Finance Act (Northern Ireland) 2011 subject to the financial limits set.
- 2.2.12 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.
- 2.2.13 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 expenditure² 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 and Resources.

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 Directors of Organisational Development and Property and Projects have 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.

² 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 Director of Property and Projects and the Town Solicitor.

2.5 Procurement

The exercise of the following delegated powers is subject to consultation with the Director of Property & Projects 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.
- 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 Approving the changing of sureties by contractors provided the Council's interests remain fully protected.
- 2.5.5 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 Town Solicitor.

- 2.5.6 Taking action to ensure contract compliance and negotiating claims and contract variations.
- 2.5.7 Signing maintenance agreements subsequent to capital acquisitions agreed by the Council subject to consultation with the Town Solicitor.
- 2.5.8 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.
- 2.5.9 Negotiating an interim arrangement with a supplier in circumstances where a contract is being terminated.
- 2.5.10 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 or varying contracts of employment in respect of employees below Head of Service level within their departments following consultation with the Director of Organisational Development and the Town 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 Town 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.

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 TOWN SOLICITOR

The exercise of the following functions, **in line with relevant council policies**, is delegated to the Town 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 Instituting legal proceedings on behalf of the Council, acting on the instructions of Council or of the relevant Chief Officer.
- 3.3.3 Authenticating of documents pursuant to Section 124 of the Local Government Act (Northern Ireland) 1972.
- 3.3.4 Signing legal documents on behalf of the Council and authorising the affixing of the Corporate Seal as required.
- 3.3.5 Briefing Counsel and taking Counsel's opinion.
- 3.3.6 Engaging external legal assistance as required.
- 3.3.7 Engaging such expert witnesses or commissioning such expert reports as may be required.
- 3.3.8 Authorising venues deemed as suitable places at which marriage ceremonies can be held.
- 3.3.9 Agreeing the involvement of outside agencies in any fraud investigation.
- 3.3.10 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.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.4 DIRECTOR OF DEVELOPMENT

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

- 3.4.1 Allocating stalls and pitches at St George's Market and any other Council run markets.
- 3.4.2 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
- 3.4.3 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.
- 3.4.4 Enforcing all bye-laws made for the protection of Council's markets.
- 3.4.5 In connection with the operation and management of the Waterfront and Ulster Halls, the exercise of the following functions is delegated to the Director of Development,
 - (1) Entering into commercial arrangements with promoters for the promotion of artistic performances at the Halls.
 - (2) Entering into contracts with performers and/or their agents for the holding of performances at the Halls up to an amount in any one case of £50,000.
 - (3) Entering into contracts on appropriate commercial terms for the holding of conferences, exhibitions and other events at the Halls.
 - (4) Entering into arrangements or contracts beneficial to the financing of the operation of the Halls, whether in the nature of advertising, sponsorship, or otherwise.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.5 DIRECTOR OF FINANCE AND RESOURCES³

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

- 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 and the Director of Organisational Development, to attend international training and development events, technical visits and courses, including conferences, exhibitions, workshops and seminars and meetings of appropriate professional associations.

³ The Director of Finance & Resources 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 & Resources may, subject to Standing Orders and any resolutions of the Strategic Policy and Resources Committee or the Council, do all things necessary to secure the proper administration of the Council's financial affairs.

- 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.
- 3.5.11 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.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.6 DIRECTOR OF HEALTH AND ENVIRONMENTAL SERVICES

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Director of Health and Environmental Services:

3.6.1 The functions listed at (a) to (q) below in relation to the legislation set out in Appendix B and to the legislation made thereunder for which the Health and Environmental Services Committee or the Licensing Committee 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) Deeming as refused, 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 Town Solicitor, and making legal applications on behalf of the Council;
- (h) authorising persons and officers pursuant to relevant legislation for the purpose 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 and recovering costs;
- (k) 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.
- (l) Making Orders for the charges to be paid in connection with the use of an off-street parking place
- (m) Appointing such persons as may be necessary for the superintendence of parking spaces
- (n) Making Orders for the use of any parking place and the conditions on which it may be used
- (o) Making Orders restricting the use of a specified parking place
- (p) 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.
- (q) Making Orders for the suspension of the use of a parking place or any part of it for specified occasions or circumstances.

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 Lodging objections, in consultation with the Town Solicitor, in relation to notices of applications received under the following legislation:

- The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
- The Licensing (Northern Ireland) Order 1996
- The Registration of Clubs (Northern Ireland) Order 1996.

3.6.4 Arranging burials and cremations under Section 25 of the Welfare Services Act (Northern Ireland) 1971.

- 3.6.5 Issuing Property Certificates.
- 3.6.6 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.
- 3.6.7 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.
- 3.6.8 Applying an appropriate charge for the collection of commercial waste where traders require an evening or weekend collection.
- 3.6.9 Revising the prices and charging structure for the commercial waste collection service.
- 3.6.10 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.
- 3.6.11 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.
- 3.6.12 Authorising persons, other than officers of the Council, for the purposes of Section 10(2) of the Noise Act 1996.
- 3.6.13 Signing on behalf of the Council, licence agreements for the use of lands to be utilised for the installation of mini-bring recycling facilities.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.7 DIRECTOR OF ORGANISATIONAL DEVELOPMENT

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

- 3.7.1 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 posts⁴.
- 3.7.2 Dealing with requests for the payment of honoraria for all posts
- 3.7.3 Approving, in consultation with the Town Solicitor, requests for approval of outside interests or employment made by employees.
- 3.7.4 Dealing with requests for the extension of half pay entitlement under the various occupational sick pay schemes.
- 3.7.5 Considering requests, in consultation with the Director of Finance and Resources, 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.
- 3.7.6 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
- 3.7.7 Authorising recruitment and retention incentives, in consultation with the Director of Finance and Resources, 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.

⁴ 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.

- 3.7.8 Determining requests for the release of pension benefits on compassionate grounds in consultation with the Director of Finance and Resources
- 3.7.9 Determining requests for early and flexible retirement in consultation with the Director of Finance and Resources.
- 3.7.10 Determining essential and casual car user status for all Council employees.
- 3.7.11 Creating new temporary posts provided that there is no increase in approved staffing establishment and/or staffing budget.
- 3.7.12 Determining the grading of posts.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.8 DIRECTOR OF PARKS AND LEISURE

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Director of Parks and Leisure:

- 3.8.1 Enforcing all bye-laws made for the protection of the Council's parks and other amenity facilities.
- 3.8.2 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 Town Solicitor.
- 3.8.3 Purchasing, selling and exchanging animals for the Zoological Gardens up to a limit of £30,000 for each transaction.
- 3.8.4 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.
- 3.8.5 Enforcing the Burial Grounds Regulations 1992.
- 3.8.6 Maintaining a Register of Burials.
- 3.8.7 Allocating grave spaces and issuing grants of right of burial.
- 3.8.8 Undertaking cremations at the City of Belfast Crematorium.
- 3.8.9 Making arrangements for the appointment of a medical referee to the city of Belfast Crematorium in line with Council policy and procurement practices.
- 3.8.10 Protecting public rights of way and generally enforcing the Access to the Countryside (Northern Ireland) Order 1983.

3.8.11 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.

3.8.12 Approving of the repeat hosting of an annual event for a specified number of years subject to the event remaining broadly similar over time.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.9 DIRECTOR OF PLANNING AND PLACE

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Director of Planning and Place:

3.9.1 The functions listed below in relation to the legislation set out in Appendix B and legislation made thereunder for which the Planning Committee has responsibility:

- (a) determining applications for small scale office development (up to 200sq metres);
- (b) minor alterations and extensions to, residential, community/civic, commercial or industrial premises;
- (c) determining applications for minor works such as works required for the purposes of providing disability access; the erection of smoking shelters etc;
- (d) determining applications for the alteration and extension for residential purposes to existing residential units to include residential garages or sheds within the curtilage of an existing dwelling;
- (e) determining applications for developments of up to four dwellings;
- (f) determining applications for the display of advertisements;
- (g) determining applications for change of use excluding those relating to purpose build student accommodation, houses of multiple occupation, amusement arcades and hot food bars;
- (h) determining applications for works to buildings or structures in conservation areas and areas of townscape character;
- (i) determining applications for listed building consent, excluding demolition;
- (j) determining applications for landscaping, car parking and other minor works to the main use of the land on which they are to be located;

- (k) enforcing all regulations, orders and bye-laws made under the said legislation;
- (l) instituting legal proceedings, in consultation with the Town Solicitor, on behalf of the Council;
- (m) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- (n) issuing and serving certificates of lawful development;
- (o) varying and removing conditions except when the variation and removal relates to, or constitutes, a major development;
- (p) exercising all powers in relation to the issue and renewal (but not refusal) of permits and licences except those permits or licences that relate to, or constitute, a major development;
- (q) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers;
- (r) registering notices and charges in the Statutory Charges Register;
- (s) exercising the Council's powers in relation to the preservation of trees;
- (t) 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;
- (u) temporary listing of buildings in urgent cases;
- (v) lodging objections, in consultation with the Town Solicitor, in relation to planning applications where the Council has been notified as part of the neighbourhood notification scheme;
- (w) deeming as refused, any application where all of the necessary supporting documentation has been reasonably requested but not provided, without reasonable excuse, to the Council within six weeks from the date of receipt of that application;
- (x) generally enforcing all other statutory powers connected to the exercise of the planning functions which have been conferred upon the Council.

- 3.9.6 Negotiating contributions from developers subject to obtaining Committee consent in respect of those agreements in which the contribution exceeds £30k.
- 3.9.7 The delegated functions set out above do not apply to the following planning applications:
- (a) Those made by elected members;
 - (b) Those made by Council staff;
 - (c) Those made by the Council;
 - (d) Those in which the Council has an interest or estate.
- 3.9.8 All other applications or permissions which are not specifically listed in paragraph 3.9.5 shall be deemed to be delegated unless otherwise provided for within this Scheme.
- 3.9.9 Where a function is normally delegated but raises issues which the Director believes should be considered by the Committee, that application will be referred to the Committee.
- 3.9.10 The Town Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.

SECTION 3 - SPECIFICALLY DELEGATED FUNCTIONS TO INDIVIDUAL CHIEF OFFICERS

3.10 DIRECTOR OF PROPERTY AND PROJECTS

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Director of Property and Projects:

- 3.10.1 Consenting to lessees' 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 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.
- 3.10.2 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.
- 3.10.3 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.
- 3.10.4 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.
- 3.10.5 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.
- 3.10.6 Agreeing reduced charges for the acceptance of clays and soils associated with the development works of the North Foreshore.
- 3.10.7 Appointing arbitrators/independent experts as appropriate in the case of disputes arising in regard to rent reviews and other property matters.

- 3.10.8 Permitting the use of the City Hall and the City Hall grounds by Council departments or service units.
- 3.10.9 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.

APPENDIX A - DEFINITION OF CHIEF OFFICER

In this Scheme the expression Chief Officer means:

- Chief Executive
- Deputy Chief Executive
- Director of Finance & Resources
- Director of Organisational Development
- Director of Development
- Director of Health and Environmental Services
- Director of Parks and Leisure
- Director of Property & Projects
- Town Solicitor
- Director of Planning and Place

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.

Anti-social Behaviour (Northern Ireland) Order 2004

Belfast Corporation Act 1911

Belfast Improvements Act 1878

Belfast Local Acts 1845-1948

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

Building Regulations (Northern Ireland) Order 1979

Building Regulations (Northern Ireland) 2012

Burial Grounds Regulations 1992

Byelaws made by Belfast City Council pursuant to Section 90 Local Government Act (NI) 1972 for:

- 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

Caravans Act (Northern Ireland) 1963

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

Cinemas (Northern Ireland) Order 1991

Clean Air (Northern Ireland) Order 1981

Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

Consumer Protection Act 1987

Control of Greyhounds etc. Act (Northern Ireland) 1950

Dangerous Dogs Compensation and Exemption Schemes Order (Northern Ireland) 1991

Dangerous Dogs (Northern Ireland) Order 1991

Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003

The Dog Control Orders (Prescribed Offences and Penalties) Regulations (NI) 2012

The Dogs (Northern Ireland) Order 1983

Dogs (Amendment) Act (Northern Ireland) 2001

Dogs (Amendment) Act (Northern Ireland) 2011

The Environment (Northern Ireland) Order 2002

European Communities Act 1972

Explosives Act (Northern Ireland) 1970

Food Act 1984

Food and Environment Protection Act 1985

The Food (Northern Ireland) Order 1989

The Food Safety (Northern Ireland) Order 1991

Free Printed Matter (Belfast) Designation Order 2012

The General Product Safety Regulations 2005

Hairdressers Act (Northern Ireland) 1939

Health and Personal Social Services (Northern Ireland) Order 1978

Health and Safety at Work (Northern Ireland) Order 1978

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

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 – excluding provisions relating to street names.

The Local Government (Northern Ireland) Order 2005

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

Public Health Acts 1878 to 1971

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

Rent (Northern Ireland) Order 1978

The Road Traffic Regulation (Northern Ireland) Order 1997

Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010

The Safety of Sports Grounds (Northern Ireland) Order 2006

The Shops (Sunday Trading) (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 Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008

The Fire and Rescue Services (Northern Ireland) Order 1996 (but only where permitted by Memorandum of Understanding in force between Northern Ireland Fire and Rescue Services and Belfast City Council).

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

The Planning (Northern Ireland) Order 1991

The Roads (Northern Ireland) Order 1993

The Road Traffic Regulation (Northern Ireland) Order 1997

Sunbeds Act (Northern Ireland) 2011

Tobacco Advertising and Promotion Act 2002

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

Welfare of Animals Act (Northern Ireland) 2011

Welfare Services Act (Northern Ireland) 1971

Legislation relating to Planning

Planning (Northern Ireland) Act 2011

The Planning Reform (Northern Ireland) Order 2006

The Planning (Amendment) (Northern Ireland) Order 2003

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

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 Land Compensation (Northern Ireland) Order 1982

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

The Enterprise Zones (Northern Ireland) Order 1981

The Private Streets (Northern Ireland) Order 1980

The Planning (Amendment) (Northern Ireland) Order 1978

The Land Acquisition and Compensation (Northern Ireland) Order 1973

The Planning (Northern Ireland) Order 1972

Planning and Land Compensation Act (Northern Ireland) 1971

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

Lands Tribunal and Compensation Act (Northern Ireland) 1964

Caravans Act (Northern Ireland) 1963