

## Scheme of Delegation

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|--|---|
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| <b>Related Legislation/Applicable Section of Legislation</b>           | Local Government Act (NI) 2014<br>Planning Act (NI) 2011<br>Local Government Act (NI) 1972<br>Health Protection (Coronavirus, Restrictions) (NI) Regs 2020<br>Various other legislation as listed in the Scheme |
| <b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b> | Mid and East Antrim Borough Council Constitution<br>Standing Orders<br>Committee Terms of Reference<br>Various Council Policies   |
| <b>Replaces</b>  | Scheme of Delegation - approved June 2021   |
| <b>Policy Lead (Name/Position/Contact details)</b>                     | Chief Executive<br>Director of Corporate Services<br>Head of Corporate Services   |
| <b>Sponsor Directorate</b>   | Chief Executive   |
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## Revision record

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| 25/02/16    | 2.b - in draft | Draft for SMT consideration - incorporating initial feedback                           |
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| 17/05/17    | 3.a.2          | Additional revisions for SMT   |
| 23.05.17    | 3              | Draft for consideration at P&R   |
| 06/06/17    | 4              | Draft (Final) to AGM   |
| 04/09/17    | 5              | Amendment agreed by Policy & Resources Committee 14.08.17 and approved by Full Council |
| 05/06/18    | 6              | Revisions for 2018 AGM   |
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| 20/05/19    | 8              | Presented to AGM   |
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| 12/05/2021  | 10             | Revision presented to Policy and Resources Committee                                   |
| 16/05/2022  | 11             | Revision presented to Policy and Resources Committee                                   |
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## Introduction

As part of Mid and East Antrim Borough Council's commitment to setting and securing the highest standards in decision making, a Scheme of Delegation has been developed.

A Scheme of Delegation provides the framework and guidance for the powers delegated to Committees of Council and to senior Officers within the Council. Each of the predecessor Councils operated under an approved Scheme of Delegation.

In the absence of a decision by the Council to the contrary, all its powers would have to be exercised through meetings of the full Council. This would mean that all decisions, no matter how large or small, would need to be taken at meetings of the full Council.

In recognition that this would be unworkable and may detract from the Council's aims and values, the Council has the power to delegate certain decision-making. The discretion to exercise this power is provided under section 7 of the Local Government Act (Northern Ireland) 2014.

The Local Government Act sets out the powers which full Council must exercise and cannot be delegated. It also sets out a number of powers which can be delegated from the full Council to a Committee or Officer.

The Planning Act (Northern Ireland) 2011 also sets out provisions relating to the exercise of the Planning functions.

Any decision taken under a Delegated Power is considered to be a decision of the Council.

Mid and East Antrim Borough Council’s Committee governance structure is set out below:

| Meeting  | Membership                                |
|--|---|
| Full Council                                       | All 40 Elected Members                    |
| Planning Committee                                 | 12 Elected Members                        |
| Environment & Economy Committee                    | 20 Elected Members                        |
| Neighbourhoods and Communities Committee           | 20 Elected Members                        |
| Corporate Resources, Policy & Governance Committee | 20 Elected Members                        |
| Audit Committee and Scrutiny Committee             | 8 Elected Members<br>1 Independent Member |
| Personnel Committee                                | 5 Elected Members                         |
| Standards Committee                                | 8 Elected Members<br>1 Independent Member |

All Committee Places were allocated to political parties at the Annual General Meeting on a proportional basis using the provisions contained within Schedule 2 of the Local Government Act (Northern Ireland) 2014 (i.e. Quota Greatest Remainder).

A Scheme of Delegation will cover the extent of delegation across the Council. This will include:

- Section A, Powers which cannot be delegated by Council i.e. must remain with Full Council
- Section B, Powers delegated to a Committee of Council
- Section C, Powers delegated to an Officer of Council

As part of the development of the Scheme of Delegation, a number of key elements are considered to support each Committee with Terms of Reference, which is subject to regular review.

Council may establish Sub-Committees to address specific issues and will delegate the appropriate powers to enable a sub-committee to fulfil its terms of reference. Sub-Committees have no decision-making powers and make recommendations to their sponsor Committee.

## **1. Review**

- 1.1 This is Mid and East Antrim Borough Council's Scheme of Delegation. To ensure that it is fit for purpose, the Scheme will be subject to annual review and presented to Council at the AGM.
- 1.2 Between reviews, arrangements are made for the publication of amendments to the Scheme arising from decisions by Council or made necessary by changes in legislation or policy.

## **2. Extent of Delegation**

- 2.1 The Council can only delegate to a Committee, an Officer of the Council or a Joint Committee. Unless the Council states otherwise, Committees may further delegate to Officers.
- 2.2 Officers with delegated powers can delegate to other Officers but this does not release them from the responsibility arising from the exercise of the authority that has been delegated to them in this Scheme. When Officers further delegate their powers, they have to record this in writing.
- 2.3 Where a responsibility has been further delegated, there is nothing to prevent the Committee or person who was originally given delegated powers under this Scheme from dealing with the responsibility themselves or from withdrawing or amending the delegation.
- 2.4 The Scheme will apply to all permanent staff, temporary staff, agency and contract workers working for Mid and East Antrim Borough Council.
- 2.5 Every decision taken under a delegated power is considered to be a decision of the Council.
- 2.6 The Council, in pursuit of its powers under Section 47(A) of the Local Government Act (NI) 1972, having considered the competency of the Chief Executive, authorise that Officer to hold and maintain a list of all of authorised officers of the Council in their respective departments who are authorised to discharge any statutory provisions.
- 2.7 Any list will be made available to the public when requested.
- 2.8 Where the exercise of a delegated power involves considerations within the remit of another Director, the Officer exercising the power shall consult with the Chief Executive/relevant Director prior to taking any final decision.
- 2.9 Authority to exercise any delegated power shall include authority to take all reasonable necessary actions of an incidental or consequential nature.

## SECTION A - Powers reserved to Council

- 2.1 In terms of the law, full Council must exercise certain responsibilities. However, there are also certain matters that the Council has chosen to deal with itself. These are detailed at Section A and the Council has decided that these powers will not be delegated.
- 2.2 The Council is the main scrutiny and debating forum for issues affecting the Borough and for the provision of democratic leadership and promotion of the area's well-being. It exercises Strategic Leadership for the area and promotes the Council's vision and core values.
- 2.3 The Council's powers which cannot be delegated in legislation are set out in the Local Government Act (Northern Ireland) 2014. Mid and East Antrim Borough Council will not delegate the following functions:
- a) appointing the Mayor, Deputy Mayor and all positions of responsibility;
  - b) establishing Committees and determining the delegation of functions to these;
  - c) appointing Members to serve on Joint Committees;
  - d) making a district rate under the Rates (Northern Ireland) Order 1997;
  - e) making a determination under section 13(1) of the Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined under that subsection;
  - f) borrowing money;
  - g) acquiring or disposing of land; In relation to acquiring or disposing of land, if time permits, officers may take a report to the Corporate Resources, Policy and Governance Committee with a recommendation to Full Council for final decision.
  - h) approving, reviewing and amending the Council's Standing Orders, Scheme of Delegation, and Financial Regulations;
  - i) approving the strategic objectives and the corporate policies which may have a significant impact on the Council's strategic objectives, corporate policies or its resources;
  - j) making, altering or cancelling any Scheme made under any enactment;
  - k) determining whether to co-operate or combine with other local authorities in providing services;
  - l) determining any issues relating to the maintenance of standards and conduct;

m) determining the delegation of functions and powers to Committees; and

n) taking any other decisions which cannot by law be delegated to a Committee or Officer.

2.4 Section 7(1) of the Local Government Act (Northern Ireland) 2014 allows for Council to arrange for the discharge of all other functions by a committee, sub-committee, officer or any other council.

## SECTION B - Powers delegated to Committees

1. The Council wishes to ensure that its decision-making occurs in as efficient and effective a way as possible, whilst providing robust mechanisms to ensure transparency and accountability of the decision-making process.
2. Each Committee, aside from planning will have delegated powers to exercise the key functions of the Committee shall have delegated power to make decisions and act on behalf of the Council. However, the Committee may itself determine not to exercise its delegated powers and instead make recommendations to the Council.
3. Consequently, the Council has made provision in its Standing Orders, under Section 7 of the Local Government Act (Northern Ireland) 2014, for the establishment of the following Committees to discharge functions on its behalf;
  - Planning Committee;
  - Environment and Economy Committee;
  - Neighbourhoods and Communities Committee;
  - Corporate Resources, Policy & Governance Committee;
  - Audit Committee;
  - Scrutiny Committee;
  - Standards Committee
  - Personnel Committee

- 3.1 Council has a statutory function to appoint the Clerk and Chief Executive in accordance with Section 41 of the Local Government Act (Northern Ireland) 1972:-

*S 41 (1) Every Council shall appoint a clerk of the Council and shall also appoint such other officers as the Council thinks necessary for the efficient discharge of the functions of the Council.*

Section D, 3.5 delegates powers to officers in respect of the recruiting, selecting and appointing successful applicants to posts in line with the employment policies and practices adopted by Council. This applies to any other officer of the Council with the exception of the post of Clerk and Chief Executive.

### 1. Planning Committee

Council has delegated to the Planning Committee those powers conferred upon it under the Planning Act (Northern Ireland) 2011 and Section 7 of the Local Government Act (Northern Ireland) 2014.

## **Scheme: Delegation of Planning Applications and Enforcement**

The scheme of delegation for the determination of planning applications has been agreed by Mid and East Antrim Borough Council and approved by the Department for Infrastructure. The scheme of delegation is in accordance with Section 31 of The Planning Act (NI) 2011 and takes effect from 1 April 2015.

### **Part A - Mandatory applications for determination by the Planning Committee:**

Statutory requirements require that certain types of application must be determined by the planning committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the council or an elected member of the council, and
- The application relates to land in which the council has an interest.

### **Part B - Delegated Applications:**

The appointed person is the Head of Planning within the Council and those nominated by this officer.

To determine all local development applications whether for approval or refusal with the exception of:

- Applications attracting a local objection raising significant material planning considerations.
- Applications which are significant departures from the Development Plan and which are recommended for approval.
- Applications submitted by members of council staff at Planning Officer grade, and senior council staff at Head of Service grade and above.

- Applications attracting significant objections from statutory consultees, where the officer's recommendation is to approve.
- Applications where the Head of Planning considers that the proposal merits consideration by the Committee.
- A legal agreement is required.

### **Part C - Development Plan, Enforcement and Determination of Other Matters**

As well as determining planning applications, the Council will also have to administer the enforcement of planning and the processing of other planning consents. **Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014** allows a council committee to delegate to an officer of the council.

**The Planning Committee shall be required to consider and determine: -**

- Approve The Statement of Community Involvement.
- Agree the Local Development Plan Timetable and any subsequent revisions prior to submission to the Department for Infrastructure.
- Agree the Plan Strategy and Local Policies Plan for the Council area prior to ratification by the full council.
- The making of a Tree Preservation Order, where there are unresolved objections to the provisional order.
- Confirmation of a Provisional Tree Preservation Order.
- Determination of Completion Notices.
- Determination of Discontinuance Notices.
- Determination of a Revocation Orders
- Modification and Discharge of Planning Agreements.
- Designation, variation or cancellation of a Conservation Area.
- Consultations from the Department on regionally significant planning applications, regional planning policy and planning legislation.

**The following matters are delegated to the appointed officer:**

- The research, analysis, evaluation of information and drafting of Plan Strategy and Local Policies Plan, including representing the Council at the Independent Examination.
- To monitor the uptake of zoned land within the Local Policies Plan.

- The serving of a provisional Tree Preservation Order.
- The investigation of formal planning enforcement proceedings through the issuing of enforcement notices, stop notices, temporary stop notices, fixed penalty notices, and planning contravention notices.
- The formal reporting of planning enforcement matters to the Public Prosecution Service/Commencement of proceedings in a Magistrates Court, subject to the Chairman and Vice Chairman of the Planning Committee being informed.
- Application to the Courts for Injunctions, subject to the Chairman and Vice Chair of the Planning Committee being informed.
- Authority to apply to the Magistrates Court for a warrant to enter land and/or buildings in accordance with the powers provided in the Planning Act (Northern Ireland) 2011.
- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.
- Determination of any application for Advertisement Consent.
- Determination of any application for carry out works to trees.
- Determination of any Hazardous Substance Consent.
- Applications for Non Material Changes.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Crown Listed Building Consent.
- The Serving of a Temporary Listed /Building Preservation Notice.
- Determination of a Correction Notice.
- Discharge of Planning Conditions.
- Registering Notices and Charges in the Statutory Charges Register.
- To make determinations under Section 46 (Power to Decline).

- To make determinations under Section 48 (Power to decline).
- Determination of the type of planning appeal and amendments to Councils case during the course of the appeal, subject to consultation with the Chair of the Planning Committee as deemed appropriate by the Head of Planning.
- Negotiating Section 76 Planning Agreements including developer contributions on planning applications prior to a final decision being taken by the Planning Committee.
- The preparation of evidence on behalf of Council and defending planning decisions at Planning Appeals, Independent Examinations and other Hearings.
- Responding to minor consultations on planning matters on behalf of the Council.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 or any successor legislation, to
  - Issue screening opinions determining whether developments fall within Schedule (1) and (2).
  - Issue scoping opinions as to the information to be provided in any statement, and
  - Undertake appropriate consultations and notifications.
  - Determine whether an application should be accompanied by an Environmental Statement.
- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland 2015 or any successor, to
  - Consideration and approval of a waste management plan
- All other statutory powers connected to the exercise of the planning functions which have been transferred to Council and are not specifically listed shall be deemed to be delegated unless otherwise provided for within this scheme.
- Engage freely with the Planning Appeals Commission at the Independent Examination pre-hearing stage.
- To provide additional information or to request same, where the Commissioner deems this necessary.
- Agree minor, typographical or factual changes or modifications to the Local Development Plan documents.
- Agree changes to the justification and amplification text, for example to provide greater clarity on a particular policy.

- Agree and propose changes to a particular policy or proposal in the draft Local Development Plan document, where that change would not fundamentally alter the thrust of that policy / proposal, or the change is necessary to make the policy / proposal sound, with no substantive implications for other aspects of the Plan or overall objectives of the policy.

## **Part D - Publicity**

The Council has made a copy of this Scheme of Delegation available on the Council's website at [www.midandeantrim.gov.uk](http://www.midandeantrim.gov.uk). It is also available on request at Mid and East Antrim Borough Council, Silverwood Business Park, 109 Raceview Road, Broughshane, Ballymena, BT42 4HZ.

A Public Notice has been placed in the local press.

### **2. Audit Committee and Scrutiny Committee**

- 2.1 Council has delegated to the Audit Committee and Scrutiny Committee those functions in relation to good governance.
- 2.2 Council also delegate to the Committee any decisions relating to the key functions, the Committee shall have delegated power to make decisions and act on behalf of the Council. However, The Committee may itself determine not to exercise its delegated powers and instead make recommendations to the Council.
- 2.3 All functions will be in line with the Committee's agreed Terms of Reference.

### **3. Environment and Economy Committee**

- 3.1 Council has delegated to the Borough Growth Committee those powers conferred on it under Article 8, Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 and those functions transferring from central government.
- 3.2 Council also delegate to the Committee any decisions relating to the key functions, the Committee shall have delegated power to make decisions and act on behalf of the Council. However, The Committee may itself determine not to exercise its delegated powers and instead make recommendations to the Council.
- 3.3 All functions will be in line with the Committee's agreed Terms of Reference.

### **4. Neighbourhoods and Communities Committee**

- 4.1 Council has delegated to the Neighbourhoods and Communities Committee those powers conferred on it under by the Local Government Act

(Northern Ireland) 1972 and Parts 10 and 11 of the Local Government Act (Northern Ireland) 2014.

4.1 Council also delegate to the Committee any decisions relating to the key functions, the Committee shall have delegated power to make decisions and act on behalf of the Council. However, The Committee may itself determine not to exercise its delegated powers and instead make recommendations to the Council.

4.2 All functions will be in line with the Committee's agreed Terms of Reference.

## **5. Corporate Resources, Policy and Governance Committee**

5.1 Council has delegated to the Policy and Resources Committee those powers conferred on it under the Local Government Finance Act (Northern Ireland) 2011 and functions related to the development of policy and effective financial management.

5.2 Council also delegate to the Committee any decisions relating to the key functions, the Committee shall have delegated power to make decisions and act on behalf of the Council. However, The Committee may itself determine not to exercise its delegated powers and instead make recommendations to the Council.

5.3 All functions will be in line with the Committee's agreed Terms of Reference.

## **6. Personnel Committee**

6.1 Council has delegated to the Personnel Committee those powers conferred on it under the Local Government Finance Act (Northern Ireland) 2011 and functions related to the development of policy and effective financial management.

6.2 All functions will be in line with the Committee's agreed Terms of Reference.

6.3 Council delegate the following powers to the Personnel Committee: -

- To establish, at the appropriate time, a panel of members as the ad hoc sub-committee in relation to the Selection and appointment of the Clerk and Chief Executive.
- Remuneration and Appraisal of Clerk and Chief Executive.
- The ad hoc sub-committee in relation to the Selection and appointment of the Directors.
- To be the responsible for the Ad hoc committees for Chief Executive Disciplinary, capability and redundancies.
- To give authority to the Chief Executive to secure specific external expertise as required.

- To approve employment termination with payments through any HR requirements based on employment matters and business changes.
- Oversight of Council's Attendance Policy in relation to long term absence and permanent ill health review relating to Chief Executive.
- Responsible for absence review processes to include but not limited to liaising and holding meetings with the Chief Executive.
- Make a referral to Occupational Health Services and seek advice from Occupational Health Services, as appropriate.
- Make recommendations and consider action plans for return to work, as appropriate.
- Consider and hear evidence presented at a Final Absence Hearing considering the relevant information.
- Possible outcomes in relation to capability due to long term absence or permanent ill health are: -
  - Take no further action.
  - Recommend informal resolution or other appropriate procedures.
  - Refer back to the Occupational Health Services for further investigation and report.
  - Recorded oral warning.
  - Defer any decision pending further review.
  - Action plan for return to work including redeployment (temporary or permanent) or phased return.
  - Dismissal with notice or pay in lieu of notice.

#### **6.4 Selection and Appointment of Clerk and Chief Executive**

Council shall delegate powers in respect of the selection and appointment of the Clerk and Chief Executive to an ad hoc Committee. The Committee will be chaired by the Chairperson of the Local Government Staff Commission and / or the appropriate external body or as directed by the Department for Communities. The membership of the Committee will include a broad membership as practicable to reflect gender, community background and being politically balanced and reflective of the broader make-up of Council. At the appropriate time advice will be provided to Council as to the membership of the ad hoc Committee.

#### **6.5 Discipline, capability and redundancy of Clerk and Chief Executive**

Council have approved the procedure relating to Discipline, Capability and Redundancy of the Clerk and Chief Executive. Council delegate the following powers to the relevant Committees in accordance with this procedure.

The **Preliminary Investigation Committee** shall have powers delegated by Council to:-

- 6.5.1 establish whether the issue requires no further formal action under this procedure; or
- 6.5.2 the issue requires further consideration and should be referred to an Independent Person for full investigation.

The **Investigation and Disciplinary Committee** shall have powers delegated by

Council to:-

- 6.5.3 Take no further action.
- 6.5.4 Recommend information resolution or other appropriate procedures.
- 6.5.5 Refer back to the Independent Person for further investigation and report.
- 6.5.6 Take disciplinary action against the chief executive as outlined below:
  - Recorded oral warning
  - Written warning
  - Suspension on half pay or no pay for a specified period
  - Relegation (e.g. a reduction in salary) for a specified period
  - An invitation to resign or accept retirement
  - Dismissal with notice.

The **Appeals Committee** shall have powers delegated by Council to:-

- 6.5.7 Hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to award no sanction or a lesser sanction.
- 6.6 Council in accordance with the Discipline, Capability and Redundancy procedure may appoint an Independent Person. Council delegate powers to the Independent Person to:-
- 6.6.1 To recommend that no further steps (whether by the authority or any committee, sub-committee or officer of theirs) should be taken in respect of the disciplinary action proposed or contemplated;
  - 6.6.2 To recommend that any suspension shall end, and the Clerk and Chief Executive shall be reinstated;
  - 6.6.3 To recommend that no steps towards disciplinary action or further disciplinary action against the Clerk and Chief Executive, other than steps taken in the presence or with the agreement of the Independent Person are to be taken, before a report is made;
  - 6.6.4 To inspect any relevant documents in the possession, or under the control, of the authority, and any other documents which any person is prepared to show to him;
  - 6.6.5 To require any employee of the authority to answer questions concerning the conduct of the Clerk and Chief Executive providing that if any such employee has not been called to give evidence the person presenting the complaint on behalf of the authority and the Clerk and Chief Executive (or his representative) may question the employee (in an appropriate forum) on the answers given to the Independent Person.

- 6.7 The report of the Independent Person shall:-
- State his opinion as to whether (and if so the extent to which) the evidence he has obtained supports any allegations of misconduct against the Clerk and Chief Executive; and
  - Recommend the disciplinary action (if any is appropriate) or range of actions which appear to him to be appropriate for the authority to take against the Clerk and Chief Executive.
  - The Independent Person shall at the same time send a copy of his report to the Clerk and Chief Executive.

6.8 **Chief Executive Grievance procedure**

Council have approved the grievance procedure relating to the Chief Executive. Council delegate the following powers to the relevant Committees in accordance with this procedure.

- 6.9 The **Grievance Committee** shall have powers delegated by Council to:-

In the event of a complaint by an employee against the Chief Executive

6.9.1 Committee will hear the case and can either uphold or dismiss the grievance.

6.9.2 Committee may uphold the grievance, and this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

6.9.3 Committee may refer the matter to the Investigation and Disciplinary Committee under the Disciplinary, Capabilities and Redundancies procedure.

in the event of a complaint by the Chief Executive

6.9.4 Refer the matter to the Receiving Officer

6.9.5 Appointment an independent investigator commissioned on behalf of the Committee.

6.9.6 Committee will hear the case and can either uphold or dismiss the grievance.

6.9.7 Committee may uphold the grievance and this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the Chief Executive.

6.9.8 Committee may refer the matter to the Investigation and Disciplinary Committee under the Disciplinary, Capabilities and Redundancies procedure.

In the event the Grievance Committee finds against the complainant, the **Grievance Appeals Committee** shall have powers delegated by Council to:-

6.9.10 dismiss an appeal or uphold the appeal, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

6.9.11 May refer the matter to the Investigation and Disciplinary Committee under the Disciplinary, Capabilities and Redundancies procedure.

- 6.10 Council in accordance with the Grievance procedure may appoint a Receiving Officer. *(The Local Government Staff Commission or an independent Human Resources Consultant should ordinarily be commissioned to act as the Receiving Officer)* Council delegate powers to the Receiving Officer to:-

- 6.10.1 To decide that no further steps (whether by the authority or any committee, sub-committee or officer of theirs) should be taken in respect of the grievance.
- 6.10.2 To decide the grievance is about another council service or other policy or procedure and advice accordingly.
- 6.10.3 To decide that the grievance is either patently frivolous or clearly unfounded.
- 6.10.4 To decide the matter should be resolved informally by way of informal joint discussion or facilitated externally by an external mediator.
- 6.10.5 The Receiving Officer has the authority to propose and determine informal resolutions where they meet with the approval of the complainant and the Chief Executive.
- 6.10.6 To decide the matter requires formal investigation and appoint an independent investigator.

## 7 Standards Committee

- 7.1 Council has delegated to the Standards Committee those functions in relation to good governance.
- 7.2 Council also delegate to the Committee any decisions relating to the key functions, the Committee shall have delegated power to make decisions and act on behalf of the Council. However, The Committee may itself determine not to exercise its delegated powers and instead make recommendations to the Council.
- 7.3 All functions will be in line with the Committee's agreed Terms of Reference.
- 7.4 Council delegate the following powers to the Standards Committee: -
  - Manage the implementation of the Local Government Employee and Councillor Working Relationship Protocol
  - Deal with minor complaints about councillors made by other councillors.
  - Deal with minor complaints about councillors made by officers.
  - Promoting and maintaining high standards of conduct by elected Members and in their working relationship with officers.
  - A commitment to encourage positive joint working across political groups and between officers and Members and to uphold the high standards of values and behaviours in a relationship of mutual trust.
  - Oversight of the Members' Register and Declaration of Interests
  - To develop, monitor and review any local protocols required to support the standards regime within the Council.
  - Oversight of the procedural requirements of any mediation process put in place to restore internal relationships between Political Parties, Members and/or officers.
  - Oversight of the implementation of recommendations made by the Public Services Ombudsman / Commissioner for Standards
  - Consideration of any recommendation by the Monitoring Officer to refer any Councillor to the Local Government Commissioner for Standards in respect of any potential breach of the Code of Conduct for Councillors, particularly where the alleged breach relates to a matter which would potentially have a reputational consequence for the Council.

- The Monitoring Officer will retain a residual right to refer any matter to the Commissioner for Standards regardless of whether the Standards Committee has endorsed a recommendation from the Monitoring Officer to do so.

## **SECTION C - Powers delegated to Officers.**

### **1. Context**

- 1.1 Under this Scheme, delegations can be made to the Clerk and Chief Executive and/or one or more of the following officers or groups of officers:
- Directors
  - Heads of Service
- 1.2 Delegated authority granted to the above Officers can be further delegated however, this does not release the authorised Officer from the responsibility arising from the delegated power within this Scheme. Accountability remains with the authorised Officer as specified.
- 1.3 Delegations that have been agreed for the Clerk and Chief Executive and Directors are a combination of general delegations (that is, each of the named Officers specified is similarly empowered) and specific delegations (that is, the delegations are specific to individual Officers). When exercising any delegated authority, Officers must have regard to the variety of stipulations that govern and influence the exercise of delegated powers as summarised in Section D.

### **2. Stipulations governing the exercise of powers by Officers.**

- 2.1 Where the exercise of a delegated function requires consultation with the Mayor/Chairperson of a Committee, the Deputy Mayor/Vice- Chairperson of a Committee may act in the absence of non-availability of the Mayor/Chairperson.

- 2.2 Officers must use the authority delegated to them in:
- The interests of Mid and East Antrim Borough Council and in accordance with the provisions of this Scheme, Financial Regulations, Standing Orders and budgetary frameworks.
  - Accordance with the corporate objectives and policies of the Council.
  - Accordance with relevant legislation.
- 2.3 The Chief Executive and Directors, notwithstanding his/her power of delegation, may refer a matter to the relevant committee in any case involving controversy or unusual circumstances.
- 2.4 In exercising the authority delegated to them, Officers must consult with the Clerk and Chief Executive in respect of matters which are sensitive or complex in nature, or where legal, administrative, financial or other advice or guidance is necessary.
- 2.5 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, unless they are key decisions or decisions made by the Council or a Committee of the Council, the procedure for which is detailed in the Councils Standing Orders.
- 2.6 The Council's approach to delegation has been influenced by its commitment to facilitate community participation in the decision-making process and to delegate to senior Officers.
- 2.7 Officers can be granted delegated powers by Council, a Committee or another Officer. The approach employed by the Council is to require delegations to be to the Chief Executive, Deputy Chief Executive and/ or one or more of the Council's Directors, Heads of Service, or other appropriate officers as detailed in Section D of the scheme.
- 2.8 Council may appoint a Deputy Chief Executive for the purpose of acting in the place of the officer whenever the office is vacant, or the officer is for any reason is unable to act. The Deputy Chief Executive can carry out role of Chief Executive and the delegation when the Chief Executive is absent.
- 2.9 As set out above, delegated authority granted to these Officers can be further delegated, however such delegation must be requested of the Chief Executive, who will maintain a register of such delegations.
- 2.10 Delegations that have been agreed for the Chief Executive and Directors are a mix of general delegations (that is, each of the Officers listed is similarly empowered) and specific delegations (that is, the delegations are specific to

individual Officers). When exercising any delegated authority, Officers must have regard to a variety of stipulations that the Council has decided should govern and influence the exercise of delegated powers.

- 2.11 The only exceptions to the practice of routing all Officer delegations through the Chief Executive and Directors arise through statutory appointments. In terms of various statutes, the Council is required to appoint Officers for a variety of purposes. Officers appointed to perform these statutory functions are empowered to take the action that is implicit in their roles.
- 2.12 Council may require Officers to provide information about the exercise of certain specified categories of delegated authority. Additionally, Officers may choose to make available such information about the exercise of other categories of delegated authority.
- 2.13 Council and relevant committees will regularly be provided with an overview of decisions either taken or about to be taken by Officers under delegated authority. Such decisions include, for example, those relating to certain planning applications, building certificate applications and some decisions relating to licensing and grant applications.

### 3. General Delegated Functions

It should be noted, that in cases where the delegation is given to:

- ‘Heads of Service sitting as a Decision Making Panel of OMT’: the requirement will be for a quorum of five OMT members present.

| EXPENDITURE BANDS | DIRECT AWARDS CONTRACTS                               | BUSINESS CASE / ECONOMICAL APPRAISALS | TENDER RECOMMENDATIONS (of appointed suppliers) |
|-------------------|---|---------------------------------------|---|
| £0 - £49,999.99   | OMT Decision Making Panel (Quorum 5 Heads of Service) | OMT Decision Making Panel             | Central Procurement                             |

| Financial delegations                                       |  |
|---|--|
| <b>Chief Executive</b>                                      |  |
| Employment related terminations                             | up to £150,000.00                        |
| Direct Award Contracts                                      | Up to £150,000.00                        |
| Business Cases/Economic Appraisal                           | Up to £150,000.00                        |
| Tender recommendations of appointed suppliers               | Up to £150,000.00                        |
| Contracts in accordance with Contracts Management Procedure | Up to £150,000.00                        |
| Powers to make allocation from the Council Grants Scheme    | Up to £150,000.00                        |
| <b>Directors</b>  |  |
| Direct Award Contracts                                      | Up to £100,000.00                        |
| Business Cases/Economic Appraisal                           | Up to £100,000.00                        |
| Tender recommendations of appointed suppliers               | Up to £100,000.00                        |
| Contracts in accordance with Contracts Management Procedure | Up to £100,000.00                        |
| Powers to make allocation from the Council Grants Scheme    | Up to a £100,000.00                      |
| <b>Audit Committee</b>                                      |  |
| Meeting of the Committee with the relevant quorum           | Writing off loss or value up to £20,000  |
| <b>Miscellaneous</b>  |  |
| Meeting of the Committee with relevant quorum               | Employment terminations over £150,000.00 |

| <b>City Deal Project Only</b>  |  |
|--|--|
| Director of Development Acting in their capacity as Senior Responsible Owner on City Deal Projects | £150,000-£249,999 - Figure to be agreed for each project.<br>Expenditure with a single or cumulative maximum in any reporting quarter up to the Total Delegated Authority Level. |
|  |  |
|  |  |

|              | <b>Function</b>  | <b>Delegated Officer</b>   |
|--------------|--|--|
| <b>3.1</b>   | <b>Emergencies and cases of urgency</b>  |  |
| <b>3.1.1</b> | <p>Taking such measures as may be required in emergency situations, during the pre-election period of heightened sensitivity, or in cases of urgency, subject to advising the Mayor or the appropriate Chairperson and reporting to the appropriate Committee/full Council as soon as possible.</p> <p>Where such measures involve the Council incurring expenditure the Head of Finance should be advised and a report submitted to the Council and/or relevant committee as soon as possible thereafter.</p> | <p>Chief Executive</p> <p>All Directors</p>                      |
| <b>3.2</b>   | <b>General administration</b>  |  |
| <b>3.2.1</b> | Taking all necessary action for the effective day-to-day management, administration and supervision of the Department and of the services and premises for which the Chief Executive/Director/Head of Service is responsible.  | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> |
| <b>3.2.2</b> | <p>In accordance with the corporate priorities and key tasks set out in the Corporate and Service Plans, Officers are responsible for implementing relevant actions, initiatives and events provided that:</p> <ul style="list-style-type: none"> <li>.The Service Plan has been approved by Committee prior to any decision being taken.</li> <li>.The Committee is kept advised by means by regular reports in relation to the exercise of this delegated power.</li> </ul>                                  | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> |

|  |  |  |
|--|--|--|
|  | <p>.The expenditure arising for the exercise of such decisions shall be within the overall expenditure limited within the Service plan and the annual Council estimates.</p> |  |
|--|--|--|

|       | Function   | Delegated Officer  |
|-------|--|--|
| 3.2.3 | <p>Paying or reimbursing employees the cost of professional fees where the Council has decided it is necessary for the employee to be a member of a professional institution in connection with the carrying out of the employee's duties.</p> <p>The Delegated Officer cannot approve reimbursement of their own professional fees.</p>   | <p>Chief Executive</p> <p>All Directors</p> <p>Head of Finance</p>                       |
| 3.2.4 | <p>Authorising appropriate payments to employees with respect to telephone, travel and subsistence allowances, standby and call out allowances, overtime, additional duties, costs of study courses, removal and relocation expenses, first aid allowance, PPE requirements for individual Safety equipment and expenses associated with DSE equipment e.g. chair in accordance with Council policies.</p> <p>The Delegated Officer cannot approve payment of their own costs.</p> | <p>Chief Executive</p> <p>All Directors</p>  |
| 3.2.5 | <p>Writing off any loss of money (including bad debts) and loss of stores and obsolete equipment and materials in accordance with Financial Management Policy up to the values determined by Council policy (£3,000)</p> <p>Money and items over the value of £3,000 to be approved by Audit and Scrutiny Committee.</p>   | <p>Chief Executive</p> <p>Head of Finance</p>  |
| 3.2.6 | <p>Power to deposit surplus monies for investment according to the provisions with the Treasury Management Strategy of Council</p>   | <p>Chief Executive and Head of Finance</p>   |
| 3.2.7 | <p>Powers for Officers to make allocation from the Council Grants Scheme up to the value of £2,500.</p> <p>Grant awards over the value of £2,500 to be approved by Policy and Resources Committee or appropriate delegated Committee.</p>  | <p>Chief Executive</p> <p>Heads of Service sitting as a Decision Making Panel of OMT</p> |
| 3.2.8 | <p>Authorising the virement of budgets.</p>  | <p>Chief Executive</p> <p>Directors and Heads of Service</p>                             |

|        | Function  | Delegated Officer  |
|--------|---|--|
| 3.2.9  | Approving payment to employees for damage to clothing, eye tests, etc. up to a limit of £500 where the damage is attributable to a work-related cause.  | Chief Executive<br>Head of Finance   |
| 3.2.10 | Power to approve business cases, economic appraisals, feasibility studies, viability studies and concept designs on proposed capital development as set out in Appendix B.  | Chief Executive<br>Directors<br>Heads of Service sitting as a Decision Making Panel of OMT |
| 3.2.11 | Initiating legal proceeding with regard to the recovery of debts, the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and taking any necessary legal action on Council's behalf to include defending any claims and proceedings affecting the Council.<br><br>Council's in-house Corporate Solicitor is authorised to brief Counsel and taking Counsel's opinion and engaging external legal assistance as required. Custom and practice in Northern Ireland allows solicitors to instruct barristers based on their expertise and experience. | Chief Executive<br>Directors and Heads of Service<br>Corporate Solicitor                   |
| 3.2.12 | Settling Insurance claims, which include employment law claims, provided any settlement is on the advice of the Council's insurance broker, legal representations, relevant Head of Service or Director.  | Chief Executive<br>Director  |
| 3.2.13 | Making bids for external funding subject to prior agreement by the relevant Committee, except where capital match funding is required from the Council or on-going revenue spend will be required, in which case approval must be obtained from Council before any bid is submitted. In circumstances where funding opportunities have a short application window, applications to be submitted subject to retrospective approval by Council and in the context that the application could be withdrawn if the approval is not granted.   | Chief Executive<br>Directors   |

|        | Function  | Delegated Officer   |
|--------|---|---|
| 3.2.14 | <p>Review and approval of minor operational amendments to Council policies.</p> <p>NB: any significant changes will require Council/Committee approval.</p>   | <p>Chief Executive</p> <p>Directors</p> <p>Heads of Service sitting as a Decision Making Panel of OMT</p>                                   |
| 3.2.15 | <p>Power for Officers to make contributions to Associations, Partnerships etc up to the value of £10,000.</p> <p>Contributions over the value of £10,000 to be approved by relevant Committee or Council.</p>   | <p>Chief Executive</p> <p>Directors</p>   |
| 3.2.16 | <p>Approval of requests to hold events on Council owned land, in line with appropriate procedures and standard requirements, provided that there are no issues identified, to be delegated to Decision-making panel of OMT.</p> <p>In the event of a non-routine event, a new event or an event with potentially contentious issues, SMT would consider the request.</p> <p>A monthly report will be provided to Council, copied to SMT for information purposes.</p> | <p>New or significant events:</p> <p>Chief Executive</p> <p>Directors</p> <p>Heads of Service sitting as a Decision-making panel of OMT</p> |
| 3.2.17 | <p>Comments to Transport NI on applications and Renewals for Bus Operators Licences - authority granted to Chief Executive to respond in conjunction with Members and retrospectively report to Council through the Operations Committee</p>  | <p>Chief Executive</p> <p>All Directors</p>   |

| 3.3     | Procurement  |  |
|---------|--|--|
|         | Function   | Delegated Officer  |
| 3.3.1   | Procuring Goods and Services via quotations and tender evaluations in line with Council's Procurement Policy.  | In line with the Procurement Policy  |
| 3.3.1.b | Procuring Goods and Services via Direct Award Contract (Previously known as Single Quote Actions and Single Tender Actions) in line with Procurement Policy.                   | In line with the Procurement Policy  |
| 3.3.2   | Tender documents issued, received and opened using an e-portal to ensure a full electronic audit trail is provided.  | Chief Executive<br>All Directors<br>Head of Digital Innovation and Procurement<br><br>Procurement Officers |
| 3.3.3   | Procuring goods and services or works where the Council has approved the business case/economic appraisal and the award is in accordance with the predetermined award criteria | Chief Executive<br><br>Directors and Heads of Service  |
| 3.3.4   | Making arrangements for the supply of goods and services pursuant to S105, Local Government Act (Northern Ireland) 1972  | Chief Executive<br><br>Directors and Heads of Service  |
| 3.3.5   | Taking action to ensure contract compliance and negotiating claims and contract variations.  | Chief Executive<br><br>Directors and Heads of Service<br><br>Capital Works Manager                         |
| 3.3.6   | Signing of contractual documents in accordance with Council policy.  | Chief Executive<br><br>Directors and Heads of Service  |
| 3.3.7   | Approving extensions and renewals to contracts where permissible within the original documentation and subject to the Council's Procurement Policy.                            | Chief Executive<br><br>Directors and Heads of Service  |

|            | <b>Function</b>   | <b>Delegated Officer</b>  |
|------------|---|---|
| 3.3.8      | Approving amendments or variations to contracts which will have an impact on the value of the Contract.   | Chief Executive<br>Directors<br><br>Heads of Service                              |
| 3.3.9      | Referring contracts to arbitration, terminating contracts, withholding payment, enforcing contract terms and serving notices in accordance with the contract conditions and the Council's Procurement Policy.   | Chief Executive<br>Directors<br><br>Heads of Service                              |
| <b>3.4</b> | <b>Asset Management</b>   |   |
| 3.4.1      | Serving Notices to Quit, Notices seeking possession and tenant's notices in relation to Council property.   | Chief Executive<br><br>Director of<br>Corporate Services                          |
| 3.4.2      | Management of leases, wayleaves and payments for same.<br><br>In accordance with policy and dependent on value.   | Chief Executive<br>Directors<br><br>Corporate Solicitor                           |
| 3.4.3      | Disposal of assets other than land and property as per the Asset Disposal Policy.   | Chief Executive<br><br>Director of<br>Corporate Services<br><br>Heads of Service  |
| 3.4.4      | Power to renew existing lease agreements - this includes approving adjusted rents in respect of leases at Council land or property, following completion of the rent review process in accordance with the provisions of the leases. New Lease agreements over the value of £30,000 to be approved by relevant Committee or Council. Leases and licences in respect of the ECOS Innovation Centre, as agreed by Council on 08 August 2017, are delegated to any Director, Head of Service and Corporate Solicitor to be approved and witness the signing and sealing of individual Licences and Leases granted. | Chief Executive<br><br>Director of Support<br>Services<br><br>Corporate Solicitor |

|       | <b>Function</b>   | <b>Delegated Officer</b>   |
|-------|---|--|
| 3.4.5 | Agreement of Wayleaves to progress extension/updating of utility equipment on Council land or property  | Chief Executive<br>Director of Corporate Services<br>Corporate Solicitor |
| 3.4.6 | Agreement of Conacre Agreements/short term licences/temporary easements/Deeds of Surrender in respect of all Council land or property.          | Chief Executive<br>Head of Service<br>Corporate Solicitor                |
| 3.4.7 | Agreement of site investigation work, to include test boreholes, by potential purchasers of surplus Council land<br><br>Data Sharing Agreements | Chief Executive<br>Director of Corporate Services<br>Head of Service     |
| 3.4.8 | Respond to Land & Property Services circulars in relation to disposal of surplus land in line with CAU guidance                                 | Chief Executive<br>Director of Corporate Services<br>Head of Service     |

| 3.5   | Human Resources  |  |
|-------|--|--|
|       | Function   | Delegated Officer  |
| 3.5.1 | Recruiting, selecting and appointing successful applicants to posts in line with the employment policies and practices adopted by Council  | Chief Executive<br><br>Directors<br><br>Head of Human Resources and Organisation Development, depending on the scale and reporting arrangements of post. |
| 3.5.2 | Recommending appointment above normal salary starting point (normal practice being appointment at the minimum of a salary grade band) in discussion with Human Resources and Organisational Development and in consultation with the relevant Head of Service. | Chief Executive<br><br>Head of HR & OD   |
| 3.5.3 | Agreeing, where required, “in consultation with the Finance Department” to an overlap period for the appointment of employees provided this can be accommodated for within budget.   | Chief Executive<br><br>Head of HR & OD, depending on the scale and reporting arrangements of post.   |
| 3.5.4 | Determining the grading of any post by utilising an appropriate job evaluation mechanism.  | Chief Executive<br>All Directors   |
| 3.5.5 | Allowing/disallowing all requests for leave - of any kind- including requests for unpaid leave of absence in accordance with relevant Council policies and in consultation with the Head of Human Resources and Organisation Development where necessary.      | Chief Executive<br><br>Directors<br><br>Heads of Service<br><br>Line Managers in line with Council policies and procedures                               |

|          | <b>Function</b>   | <b>Delegated Officer</b>   |
|----------|---|--|
| 3.5.6    | Making arrangements for secondments and joint working with other Councils/external organisations  | Chief Executive<br>Head of HR & OD   |
| 3.5.7    | Terminating temporary posts to undertake special tasks, duties or projects which are required for a limited period.<br><br>In such cases, the main purpose and duration of the temporary post will be clearly defined and no additional expenditure over and above provision in Service estimates will be incurred. | Chief Executive<br><br>Head of HR & OD depending on the scale and reporting arrangements of post.  |
| 3.5.7. a | Extending temporary posts including agency workers where budget is available within the service salaries budget in consultation with the Head of Service.   | Chief Executive<br><br>Appropriate Director  |
| 3.5.8    | Providing confirmation of dates of employment and job titles for Council employees and ex-employees in consultation with the Head of Human Resources and Organisation Development. Note: this extends to employment references to agency workers.   | Head of HR & OD  |
| 3.5.9    | Taking management action in relation to sickness absence, in line with the Council's Attendance Policy  | Line Managers in conjunction with the Head of HR & OD or relevant HR Manager or Adviser, in line with appropriate sickness absence policy and procedures |
| 3.5.10   | Making application for ill health or medical retirement in consultation with NILGOSC.   | Chief Executive and Head of HR & OD  |

|        | <b>Function</b>  | <b>Delegated Officer</b>   |
|--------|--|--|
| 3.5.11 | Taking action, in accordance with the Council's employee relations policies and procedures - including but not limited to, grievances, dismissal and appeals as appropriate in respect of employees with the relevant service.                                   | In line with Council's policies and procedures - with oversight by Head of HR & OD     |
| 3.5.12 | Terminating or varying contracts of employment in accordance with all relevant Council policies  | Chief Executive<br><br>All Directors and Heads of Service                              |
| 3.5.13 | Authorising any employees to attend training and development events, technical visits and courses including conferences, exhibitions, workshops, seminars and meetings of appropriate professional associations subject to any relevant policies of the Council. | In line with Council Policies<br><br>Directors<br><br>HR Manager/OD & Learning Manager |
| 3.5.14 | Authorising payment of membership fees of professional organisations, where such membership is a requirement of the post and or listed in the Job Description/Person Specification.  | Chief Executive<br><br>Head of HR & OD   |
| 3.5.15 | Authority to approve acting up and honorarium requests in accordance with Council policy and the NJC Green Book terms and conditions. A quarterly report to SMT provided.  | Chief Executive<br>All Directors   |
| 3.5.16 | Authority to approve carry-over of annual leave up to nine days.<br><br>Authority to approve annual leave over nine days.  | All Line Managers in accordance with Policy<br>Chief Executive<br>Directors            |
| 3.5.17 | Authorisation of Business Case for a new position.   | Chief Executive<br><br>All Directors<br>Head of HR & OD<br><br>Head of Finance         |
| 3.5.18 | Authorisation of Business Case for flexible retirement subject to costs being under £150k.<br><br>Business Case for flexible retirement over the value of £150,000 to be approved by Council.  | Chief Executive  |

| 3.6   | Governance and Administrative   |   |
|-------|---|---|
|       | <b>Function</b>   | <b>Delegated Officer</b>  |
| 3.6.1 | Instructing the Corporate Solicitor to institute or defend proceedings in any court or tribunal.  | Chief Executive<br>Directors<br>Corporate Solicitor                                 |
| 3.6.2 | Authorising Officers to attend court and appear on behalf of the Council during Insurance legal claims.   | Chief Executive<br>Directors<br>Heads of Service<br>Corporate Solicitor             |
| 3.6.3 | Applying to register any Land Charge, search the Land Charges Register pay any associated fee and request entries from Land Registry.   | Chief Executive<br>Director of Corporate Services<br>Corporate Solicitor            |
| 3.6.4 | Approving travelling and subsistence claims of Members in accordance with Council policies.   | Chief Executive<br>Democratic Services Manager                                      |
| 3.6.5 | Approving expenditure on payments in respect of routine public entertainments and ceremonies arising from the Council's civic functions, receiving and entertaining distinguished persons and making official visits to others in accordance with pre-agreed budget | Chief Executive<br>Director Corporate Services<br>Head of Corporate Services        |
| 3.6.6 | Approval of resourcing the undertaking of Equality Impact Assessments (EQIA) where an EQIA is deemed necessary.   | Chief Executive<br>Director of Corporate Services<br>Head of Corporate Services     |
| 3.6.7 | Deployment of Mobile CCTV camera, in line with the operational Guidance for CCTV  | Chief Executive<br>All Directors<br>Head of Public Protection, Health and Wellbeing |
|       | <b>Function</b>   | <b>Delegated Officer</b>  |



|            | <b>Function</b>   | <b>Delegated Officer</b>   |
|------------|---|--|
| 3.6.10     | Cemetery Grave Certificates - Signatory on grave certificates to be signed by Parks & Open Spaces Manager on behalf of Mid and East Antrim Borough Council. | Parks & Open Spaces Manager (East Antrim)  |
| <b>3.7</b> | <b>Finance</b>  |  |
| 3.7.1      | Approval of and revision, as required, of a list of authorised officers in relation to purchases and invoices.  | Chief Executive<br>Head of Finance   |
| 3.7.2      | Approve a list of counterparty financial institutions in line with Council Treasury Policy.   | Chief Executive<br>Head of Finance   |
| 3.7.3      | Instruct Council's counterparty financial institutions as to placing and refunding of Councils treasury deposits in line with the Treasury Policy.          | Chief Executive<br>Head of Finance   |
| 3.7.4      | Approve advanced payment of all monthly and weekly payroll, PCSP payroll, Elected Member allowances and payment of all suppliers (goods and services).      | Chief Executive<br>Head of Finance<br>Authorised signatories.  |
| 3.7.5      | Authority to raise invoices to charge for the cost of services on behalf of Council, in line with Financial Management Policy and Procedures.               | Chief Executive<br>Directors<br>Heads of Service<br>Relevant Officers in line with Policy and Procedures |

#### 4. Environmental Health Delegated Functions

|       |  |   |
|-------|--|---|
| 4.1   | Powers under Part 8, paragraph 49(2) of the Local Government Act (NI) 2014   |   |
| 4.1.1 | The authorisation of staff in, or acting on behalf of, the Regulatory Service (where individual Officers are deemed proper and competent as specified in personal authorisation documentation) by the Head of Public Protection, Health and Wellbeing and Head of Planning and Building Control. | Chief Executive<br><br>All Directors and Heads of Service<br><br>Environmental Health Manager |
| 4.1.2 | The authorisation of staff to serve statutory notices, where individual Officers are deemed proper and competent (as specified in personal authorisation documentation) by the Head of Public Protection, Health and Wellbeing and Head of Planning and Building Control (or their deputy).      | Chief Executive<br>All Directors and Heads of Service<br><br>Environmental Health Manager     |
| 4.1.3 | The making of recommendations for prosecution or the service of a formal caution on behalf of Council (where legislative provisions permit) and referral of case files to Council's Legal Services for legal action on behalf of the Regulatory Service without prior approval of Council.       | Chief Executive<br>All Directors and Heads of Service<br><br>Environmental Health Manager     |

|       |   |   |
|-------|---|---|
| 4.2   | <b>Powers Under Article 148 of Regulation EU 2017/625 on Official Controls and other official activities performed to ensure the application of food and feed law rules on animal health and welfare, plant health and plant protection products.</b> |   |
| 4.2.1 | The grant of approval (conditional or full) to establishments in relation to official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare, without prior approval of Council.        | Chief Executive<br>All Directors and Heads of Service<br><br>Environmental Health Manager |

- 4.3 A full list of legislation and the Officers who have delegated authority to exercise the functions and powers given to Council under this legislation is available at Appendix B.

## 5. Building Control Delegated Functions

|              |   |   |
|--------------|---|---|
| <b>5.1</b>   | <b>Powers under The Building Regulations (Northern Ireland) Order 1979</b>  |   |
| <b>5.1.1</b> | <p>Article 13 - Power to approve plans; power to reject plans.</p> <p>Article 18 - Power to issue contravention notices in respect of work contravening building regulations.</p>                         | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p>Building Control Manager</p> <p>Senior Building Control Officer</p> <p><b>Building Regulation Manager</b></p> |
| <b>5.2</b>   | <b>The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995</b>  |   |
| <b>5.2.1</b> | <p>Article 11(7) - Power to issue notice on occupier of each house or other building in a street to ensure that house or building is at all times marked with such number as the council may approve.</p> | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p><b>Building Regulation Manager</b></p>  |
| <b>5.3</b>   | <b>Building Regulations (Northern Ireland) 2000</b>   |   |
| <b>5.3.1</b> | <p>Article A12 - Power to issue Regularisation Certificates</p> <p>Article A13 - Power to issue Completion Certificates</p>   | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p>Building Control Manager</p> <p>Senior Building Control Officer</p> <p>Building Regulation Manager</p>        |

|              |   |  |
|--------------|---|--|
| <b>5.4</b>   | <b>Building Regulations (Northern Ireland) 2012</b>   |  |
| <b>5.4.1</b> | <p>Article A11 - Power to issue type approval certificate</p> <p>Article A13 - Power to issue Regularisation Certificates</p> <p>Article A14 - Power to issue Completion Certificates</p> | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p>Building Control Manager</p> <p>Senior Building Control Officer</p> <p>Building Regulation Manager</p> |
| <b>5.5</b>   | <b>The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008</b>   |  |
| <b>5.5.1</b> | <p>Article 33 - Power to issue a Penalty Charge notice</p>  | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p>Building Control Manager</p> <p>Senior Building Control Officer</p> <p>Building Regulation Manager</p> |
| <b>5.6</b>   | <b>The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2013</b>   |  |
| <b>5.6.1</b> | <p>Article 18 - Amendments to Power to issue a penalty charge notice</p>  | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p>Building Control Manager</p> <p>Senior Building Control Officer</p> <p>Building Regulation Manager</p> |

|              |  |  |
|--------------|--|--|
| <b>5.7</b>   | <b>The Towns Improvement Clauses Act 1847</b>                |  |
| <b>5.7.1</b> | Section 75 as adopted by the Towns Improvement (Ireland) Act | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p>Building Control Manager</p> <p>Senior Building Control Officer</p> <p>Building Regulation Manager</p> |
| <b>5.8</b>   | <b>Towns Improvement (Ireland) Act 1854</b>                  |  |
| <b>5.8.1</b> | Section 39 (Ruinous & Dangerous Buildings)                   | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p>Building Control Manager</p> <p>Senior Building Control Officer</p> <p>Building Regulation Manager</p> |
| <b>5.9</b>   | <b>The Public Health Acts Amendment 1907</b>                 |  |
| <b>5.9.1</b> | Section 30 (Dangerous Places to be repaired or enclosed)     | <p>Chief Executive</p> <p>All Directors and Heads of Service</p> <p>Building Control Manager</p> <p>Senior Building Control Officer</p> <p>Building Regulation Manager</p> |

## 6. Street Trading delegated functions

| 6.1   | Street Trading Act (Northern Ireland) 2001             |   |
|-------|--|---|
| 6.1.1 | Article 5, Grant Street trading Licence                | Committee   |
| 6.1.2 | Article 5, Renewal of Street Trading Licence           | All Directors<br>All Heads of Service   |
| 6.1.3 | Article 5, Variation of Street Trading Licence         | All Directors<br>All Heads of Service   |
| 6.1.4 | Article 10, Revocation of Street Trading licence       | Committee   |
| 6.1.5 | Article 11, Variation of Street Trading Licence        | All Directors<br>All Heads of Service   |
| 6.1.6 | Article 14, Issue of Temporary Licences                | All Directors<br>All Heads of Service<br>Environmental Health<br>Manager<br><br>Principal Environmental<br>Health Officer |
| 6.1.7 | Article 18, Seizure of Goods, receptacles or Equipment | All Directors<br>All Heads of Service<br>Environmental Health<br>Manager  |

## 7. Road Closure Order - Delegated Functions

| 7.1   | The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010                      |   |
|-------|---|---|
| 7.1.1 | Relevant Articles of The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 | Chief Executive<br>All Directors<br>All Heads of Service<br><br>Committee<br><br>Environmental Health Manager |

## 8. Licensing

|            |  |                                       |
|------------|--|---------------------------------------|
| <b>8.1</b> | <b>Local Government (Miscellaneous Provisions) (NI) Order 1985</b>                   |                                       |
| 8.1.1      | Article 3, Schedule 1, Item 3 - Grant of indoor and outdoor Entertainment Licence    | Relevant Committee                    |
| 8.1.2      | Article 3, Schedule 1, Item 3 - Renewal of indoor and outdoor Entertainment Licence  | All Directors<br>All Heads of Service |
| 8.1.3      | Article 3, Schedule 1, Item 3 - Transfer of indoor and outdoor Entertainment Licence | All Directors<br>All Heads of Service |
| 8.1.4      | Article 3, Schedule 1, Item 7 - Variation of Entertainment Licence                   | Relevant Committee                    |
| 8.1.5      | Article 3, Schedule 1, Item 12 - Suspension of Entertainment Licence                 | Relevant Committee                    |

|            |   |                                       |
|------------|---|---------------------------------------|
| <b>8.2</b> | <b>The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order</b> |                                       |
| 8.2.1      | Article 111(2) Grant or Refuse Amusement Permit                               | Relevant Committee                    |
| 8.2.2      | Article 115(2) Renew Amusement Permit   | All Directors<br>All Heads of Service |
| 8.2.3      | Article 115(2) Refuse to Renew Amusement Permit                               | Relevant Committee                    |
| 8.2.4      | Article 136(3) Registration of Society Lottery                                | All Directors<br>All Heads of Service |
| 8.2.5      | Article 136(5) Refusal to Register Society Lottery                            | Relevant Committee                    |
| 8.2.6      | Article 136(10) Revoke the Registration of a Society Lottery                  | Relevant Committee                    |

|            |  |                                       |
|------------|--|---------------------------------------|
| <b>8.3</b> | <b>Petroleum (Consolidation) Act (Northern Ireland) 1929</b>   |                                       |
| 8.3.1      | Petroleum (Consolidation) Act (Northern Ireland) 1929<br>Section 4, Grant Petroleum Licence                    | Relevant Committee                    |
| 8.3.2      | Petroleum (Consolidation) Act (Northern Ireland) 1929<br>Section 1(4) Transfer of Petroleum Licence            | All Directors<br>All Heads of Service |
| 8.3.3      | Petroleum (Consolidation) Act (Northern Ireland) 1929<br>Section 4 Renewal of Petroleum licence                | All Directors<br>All Heads of Service |
| <b>8.4</b> | <b>The Petroleum (Transfer of Licences) Act (Northern Ireland) 1937</b>  |                                       |
| 8.4.1      | The Petroleum (Transfer of Licences) Act (Northern Ireland) 1937<br>Section 1(4) Transfer of Petroleum Licence | All Directors<br>All Heads of Service |
| <b>8.5</b> | <b>The Marriage (Northern Ireland) Order 2003</b>  |                                       |
| 8.5.1      | Article 18 Grant of a Place Approval or Temporary Place Approval for Marriage Ceremonies                       | Relevant Committee                    |
| 8.5.2      | Renewal of a Place Approval for Marriage Ceremonies  | All Directors<br>All Heads of Service |
| <b>8.6</b> | <b>The Civil Partnership Act 2004</b>  |                                       |
| 8.6.1      | Section 144 Grant of a Place Approval or Temporary Place<br>Approval for Civil Partnership Registrations       | Relevant Committee                    |
| 8.6.2      | Renewal of a Place Approval for Civil Partnership Registrations  | All Directors<br>All Heads of Service |
| <b>8.7</b> | <b>The Cinemas (Northern Ireland) Order 1991</b>   |                                       |
| 8.7.1      | Article 3(2) Grant a Film Exhibition Licence   | Relevant Committee                    |
| 8.7.2      | Article 4(1) Grant Consent for Film Exhibitions for Children   | Relevant Committee                    |
| 8.7.3      | Articles 3, 4 &5 Renewal of a Film Exhibition Licence or Consent for Film Exhibitions for Children             | All Directors<br>All Heads of Service |
| 8.7.4      | Article 5(5) Transfer of Film Exhibition Licence or Consent for Film Exhibitions for Children                  | All Directors<br>All Heads of Service |

|            |  |                                       |
|------------|--|---------------------------------------|
| <b>8.8</b> | <b>The Licensing of Pavement Cafes Act (Northern Ireland) 2014</b> |                                       |
| 8.8.1      | Section 4 - Grant or refusal of a licence                          | Relevant Committee                    |
| 8.8.2      | Section 7 - Renewal of a licence                                   | All Directors<br>All Heads of Service |
| 8.8.3      | Section 8 & 9 - Variation of a licence                             | All Directors<br>All Heads of Service |
| 8.8.4      | Section 14 - Revocation of a licence                               | Relevant Committee                    |
| 8.8.5      | Section 15 - Suspension of a licence                               | All Directors<br>All Heads of Service |
| 8.8.       | Sections 16, 17 & 18 - Compulsory variation of a licence           | All Directors<br>All Heads of Service |

|            |   |  |
|------------|---|--|
| <b>8.9</b> | <b>Houses in Multiple Occupation Act (Northern Ireland) 2016</b>  | <b>Transferring function comes to Council as of 1 April 2019</b><br><br><b>In line with delegation for exiting licensing schemes</b> |
| 8.9.1      | Grant or Refusal of Licence:  | Relevant Committee<br><br>All Directors<br>All Heads of Service  |
| 8.9.2      | Renewal of Licence:   | All Directors<br>All Heads of Service  |
| 8.9.3      | Issue, extension or revocation of Temporary Exemption Notice  | All Directors<br>All Heads of Service  |
| 8.9.4      | Variation of Licence  | All Directors<br>All Heads of Service  |
| 8.9.5      | Revocation of Licence   | Relevant Committee<br>All Directors<br>All Heads of Service  |
| 8.9.6      | Revocation of licence in cases of urgency after consultation with the Chief Executive and Council's Solicitor | Chief Executive<br>All Directors<br>All Heads of Service   |

## 9. Prosecution under the Local Government Act 1972

|       |  |  |
|-------|--|--|
| 9.1   | Local Government Act 1972  |  |
| 9.1.1 | Article 116, to prosecute non-compliance with Statutory Notice or non-payment of fixed penalty | Chief Executive<br>All Directors<br>All Heads of Service |
| 9.1.2 | Article 116, to prosecute in all other cases   | Relevant Committee                                       |

**SCHEME OF AUTHORISED OFFICERS - PLANNING AND BUILDING CONTROL**

**List of authorised officers available upon request.**

**SCHEME OF AUTHORISED OFFICERS - PUBLIC PROTECTION, HEALTH AND WELLBEING**

**List of authorised officers available upon request.**

Mid and East Antrim Borough Council  
Operational Management Team Decision Making Panel (OMT DMP)

TERMS OF REFERENCE

**1. Purpose/role of the Working Group**

At the Council's AGM on Tuesday 7 June 2016 approval was given to a number of amendments to the Scheme of Delegation including the introduction of a 'Decision Making Panel' (DMP) of members of Operational Management Team to improve efficiency on routine authorisations.

The Scheme of Delegation defines the DMP as Heads of Service sitting as a Decision Making Panel of OMT: the requirement will be for a quorum of five OMT members present.

Specific responsibility for authorisations delegated to the DMP are:

- Powers for Officers to make allocation from the Council Grants Scheme up to the value of £2,500;
- Approval of requests to hold events on Council owned land, in line with appropriate procedures and standard requirements, provided that there are no issues identified;
- Procuring Goods and Services via Direct Award Contracts and consideration of Business Cases as outlined in the Scheme of Delegation;
- Approval of Interim Grant payments for Carrickfergus Townscape Heritage Initiative (THI)

**2. Membership**

The membership of the OMT DMP has been agreed by SMT as follows:

- OMT Chair
- 4 other OMT Members/Heads of Service to include a spread of others across Directorates. (There is no bar on any Head of Service attending the OMT DMP).

The OMT DMP will be chaired by the OMT Chair, or another HOS in his or her absence provided there is a quorum of members.

**3. Working arrangements**

The OMT DMP will meet on a fortnightly basis or as frequently as is necessary to ensure expedient processing of decisions. Items may be circulated if necessary, between meetings when important decisions are required.

The onus will be on the relevant Head of Service to attend meetings to ensure particular queries and papers are approved; alternatively, Heads of Service may nominate an appropriate, fully briefed member of staff to attend.

In order to achieve efficient use of resources and promote new ways of working, the OMT DMP will make use of technology to do business by video conference or tele-conference where possible and keep the requirement for the travelling associated with face to face meetings to a minimum.

Administrative support will be provided in accordance with normal OMT DMP arrangements with items being forwarded two working days prior to the meeting. A record of decisions will be maintained and updated to be stored with action notification of approvals as required.

Where a decision cannot be made because the OMT DMP considers it to be outside its remit, the matter will be forwarded to SMT for approval.

The record of decisions of the OMT DMP will be forwarded to SMT for noting.

#### **4. Review**

The Chair will undertake a review of the DMP processes on an annual basis.

August 2019