

# Mid Ulster District Council

## Scheme of Delegation for Senior Officers

March 2015

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### **1.0 INTRODUCTION**

- 1.1 This Scheme of Delegation ('the Scheme') is made by Mid Ulster District Council pursuant to Sections 2 and 7 of the Local Government (Northern Ireland) Act 2014. The Local Government (Northern Ireland) Act 2014 ('the Act') states that 'a council may arrange for the discharge of any of its functions by a committee, a sub-committee, an officer of the council or by any other council. This scheme has been developed with specific reference to matters delegated to senior officers and the solicitor of Council. Senior officers for the purpose of this scheme are identified in Appendix A.
- 1.2 The purpose of the Scheme is to set out the decisions and authorisations which Senior Officers and the Council Solicitor can make or grant without any further reference to Council or Committees subject to, where highlighted, the relevant Committee being kept advised by means of regular reports in relation to the exercise of these delegated powers. The Scheme is designed to aid the integrated management of the organisation, the effective deployment of resources and the efficient delivery of services.
- 1.3 In line with the Act this Scheme does not delegate to Senior Officers any matter which may only be discharged by the council itself:
  - (i) Making a district rate under the Rates (Northern Ireland) Order 1977
  - (ii) Making a determination under section 13(1) of Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined
  - (iii) Borrowing money, and
  - (iv) Acquiring and disposing of land
- 1.4 A Senior Officer may only exercise a delegated function under this Scheme subject to, and in accordance with:
  - (i) The agreed plans (including but not limited to Corporate and Departmental Plans), policies, programmes and objectives approved by the Council
  - (ii) The Standing Orders, Financial Regulations, Equality Scheme, Codes of Conduct And any other relevant governance policies contained within the Council's Constitution
  - (iii) The agreed estimates for their Department
- 1.5 Delegation to deal with any matter shall not derogate from the power of the Council or the relevant Committee to call for a report on any decision or action taken under the Scheme.
- 1.6 A Senior Officer may, notwithstanding their power of delegation, refer a matter to the relevant Committee in any case requiring discussion or unusual circumstances.

- 1.7 Authority to take decisions and other actions pursuant to the Scheme shall be exercised in the name of the delegated officer but not necessarily personally by them. In the absence 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 Where the authority is given, but without naming an officer, such authority shall be deemed as authorising the Chief Executive or the appropriate Senior Officer to take such steps.
- 1.9 In any case where the exercise of a delegated power involves considerations within the remit of another Senior Officer, the Senior Officer exercising the power shall consult with that other Senior Officer prior to taking any final decision.
- 1.10 The Chief Executive may exercise the powers delegated to any Senior Officer and to any proper officer except in the relation to those functions allocated to the Chief Financial Officer, within the meaning of the Local Government Finance Act (Northern Ireland) 2011, unless he or she is appointed as the Chief Financial Officer for the purposes of the Act.
- 1.11 In the event that a senior officer's post ceases to exist or his or her responsibilities are transferred to another senior officer, temporarily or permanently, then the powers given by this scheme shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.12 Any reference in the Scheme to a statutory enactment shall be deemed to include any modification thereof.
- 1.13 Authority to exercise any delegated power shall include authority to take all reasonable necessary actions of an incidental or consequential nature.
- 1.14 Where the Council, a committee or sub-committee gives authority for the doing of anything, the officer designated shall be entitled to take all necessary steps for doing such a thing.

## **2.0 GENERAL PRINCIPLES ON DELEGATION**

- 2.1 Where decisions are taken by officers under delegated powers and authority the following principles and conditions shall be taken considered and applied at all times:
- Powers shall be exercised in accordance with the constitution and Standing Orders of Mid Ulster Council
  - The officer exercising such powers shall give effect to any resolution of the Council or committee, upon any matter of principle or policy in relation to the functions concerned
  - Where an officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that officer.

- The officer dealing with a matter shall arrange any inter-departmental or member level consultation that shall be required. If inter-departmental agreement is not reached at senior officer level, the matter shall be referred to the Chief Executive for consideration.
- In a case of where the officer exercising the power considers that a new departure in policy is likely to be involved, or if the implications are such that the officer considers that such course is necessary, the matter shall be referred to the Chief executive for consideration
- The exercise of delegated authority shall be subject to there being adequate and appropriate budgetary provision, in the year of exercise and future years.
- Any decision which may attract to the Council legal liability shall be taken in consultation with the Council Solicitor
- Any decision which has financial implications shall be taken in consultation with the Director of Finance or Head of Finance within council
- The exercise of functions under the scheme shall have regard to all relevant considerations

### **3.0 DELEGATED FUNCTIONS: GENERAL**

The exercise of the following general functions is delegated to all Senior Officers:

#### **3.1 General administration**

- 3.1.1 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 Senior Officer is responsible.
- 3.1.2 Implementing those actions, programmes and initiatives which the Senior Officer is responsible for, as set out in agreed Council plans subject to regular reporting to the relevant Committee and to the expenditure being within agreed estimates.
- 3.1.3 Engaging consultancy assistance, where required, subject to relevant Council policies and regular reporting to the relevant Committee on the use of this delegated authority.
- 3.1.4 Carrying out surveys and other research in connection with the functions of the department, subject to Council policies on procurement.
- 3.1.5 Responding to consultation documents on matters which are routine or which do not have significant policy or financial implications for the Council.
- 3.1.6 Making initial applications for grant funding from external bodies where there is not sufficient time for Council approval to be obtained provided that there is no

Commitment for Council funding and that any subsequent decision to proceed remains subject to Committee approval.

- 3.1.7 Developing and implementing specific promotions, schemes and events (including the provision of prizes) in line with any relevant Council policies.
- 3.1.8 Instructing the Council Solicitor to take legal proceedings in regard to the recovery of debt(s), 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 Senior Officer's department.

### **3.2 Finance**

- 3.2.1 Paying the cost of an employee's professional fees where it is legally necessary for the employee to perform their duties in line with the Local Government Finance (Northern Ireland) Act 2011
- 3.2.2 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.
- 3.2.3 Approving payments to employees for damage to personal apparel or other items up to a limit of £500 where the damage has occurred in the course of the duties of that employee.
- 3.2.4 Authorising any employees to attend training and development events, technical visits and courses within their jurisdiction, subject to any relevant Council policies.
- 3.2.5 Authorising appropriate payments to employees in their department in respect of telephone, travel and subsistence allowances, standby and call out allowances, overtime, additional duties, in accordance with Council policies.
- 3.2.6 Granting of small scale hospitality pursuant to sec. 37 and 38 of the Local Government Finance (Northern Ireland) Act 2011 subject to the financial limits set.

### **3.3 Emergencies and cases of urgency**

- 3.3.1 Taking such measures, including incurring expenditure, as may be required in emergency situations or cases of urgency, subject to advising the appropriate Chair and reporting to the appropriate Committee as soon as possible.

### **3.4 Management of Land & Property Assets**

The exercise of the following delegated powers is in relation to the management of the land and property assets, for example, cultural centres, leisure centres, parks and open spaces but excluding the 3 Civic Council Offices which are the Chief Executive has ultimate responsibility of the Director of Organisational Development. The use of

these delegated powers is subject to paragraph 1.3 above that there is no disposal, holding or acquisition of land involved.

- 3.4.1 Permitting the use of such assets by Council departments and services and outside bodies in accordance with any relevant Council policies.
- 3.4.2 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.
- 3.4.3 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 in line with Council policies.
- 3.4.4 Approving, after consultation with the Chairman of the relevant Committee and Council, requests received in respect of deemed controversial events and activities in such assets where there is not sufficient time for Council approval to be obtained, subject to a report being taken to Committee as soon as possible thereafter
- 3.4.5 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 Council Solicitor and Director of **Public HealthEnvironment** and Infrastructure

### **3.5 Human Resources**

The exercise of the following delegated powers is subject to consultation with the Director of Organisational Development to ensure that decisions are taken in accordance with any relevant Council policies and that, where necessary, the appropriate Committee is kept fully advised by way of regular reporting. Staff management changes which result in an increase in the approved staffing establishment and staffing budget for a department and/ or which effect any changes to posts at third tier and above, Head of Service level, will be subject to approval by the Council.

- 3.5.1 Undertaking service reviews, 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 staffing budget for permanent posts, subject to approval of the Chief Executive.
- 3.5.2 Creating new temporary posts provided that there is no increase in the Department's approved staffing establishment and staffing budget, in accordance with Organisational Development Department's approach.
- 3.5.3 Approving the use of agency resources in accordance with all relevant Council policies, following approval from Director for Organisational Development.

- 3.5.4 Appointing successful applicants to posts in line with the employment policies and practices adopted by the Council.
- 3.5.5 Agreeing to a one month overlap period for the appointment of employees, provided that this can be accommodated within budget.
- 3.5.6 Allowing or disallowing all requests for leave, of any kind, in accordance with the Schemes of Conditions of Service adopted by the Council.
- 3.5.7 Granting paid special leave (up to 3 days) to an employee in exceptional circumstances, and approving other paid or unpaid leave of absence subject to all relevant Council policies.
- 3.5.8 Taking action, including terminating or varying contracts of employment in respect of employees in the relevant department in accordance with Council policies following consultation with the Director of Organisational Development and the Council Solicitor

### **3.6 Procurement**

The exercise of the following delegated powers is subject to consultation with the Director of Finance to ensure decisions are taken in accordance with relevant Council policies, including Standing Orders and the Financial Regulations, and that where necessary, the appropriate Committee is fully advised by way of regular reporting.

Under the Local Government (Northern Ireland) Act 1972 any contract that exceeds the statutory amount of £30,000 exclusive of VAT must be made under the Corporate Seal. The Corporate Seal can only be affixed when there is a resolution of the Council.

- 3.6.1 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; or
  - (3) is contained within an agreed Council plan.
- 3.6.2 Authorising the completion of 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 been notified of the award of the contract in accordance with the predetermined award criteria.
- 3.6.3 Approving the changing of sureties by contractors provided the Council's interests remain fully protected.
- 3.6.4 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, Council Solicitor and Director of Finance.

3.6.5 Taking action to ensure contract compliance and negotiating claims and contract variations.

3.6.6 Signing maintenance agreements subsequent to capital acquisitions agreed by the Council subject to consultation with the Council Solicitor.

3.6.7 Making arrangements for the supply of goods and services pursuant to Section 105 of the Local Government Act (Northern Ireland) 1972.

## **4.0 DELEGATED FUNCTIONS: BY OFFICER**

### **4.1 Chief Executive**

The Chief Executive is the Head of Paid Service who is accountable to Mid Ulster District Council for the delivery of its statutory and non-statutory services.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Sign legal documents on behalf of the council
- Sign documents to which seal is affixed in line with section 120 (2) of the Local Government (NI) Act 1972
- Affix the corporate seal, as required on resolution of the council
- To sign annual accounts and annual governance statements as Chief Financial Officer (CFO)

The Deputy Chief Executive is delegated the functions above at 4.1, with the exception of the signing of the annual accounts and annual governance statements, during periods of leave of the Chief Executive.

### **4.2 Director of Business and Communities**

The Director of Business and Communities is responsible for and accountable to the Chief Executive for the delivery of community services; Policing and Community Safety Partnership; former transferred functions of the Department for Social Development; rural development; economic development; physical regeneration; transferred functions from the former Department for Enterprise, Trade and Investment; cultural venues; arts development; languages; Tourism and Events functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

*No specific matters are delegated as of the date of this Scheme*

#### 4.3 Director of ~~Public Health~~Environment and Infrastructure

The Director of ~~Public Health~~Environment and Infrastructure is responsible for and accountable to the Chief Executive for waste management; cleansing; recycling; vehicle maintenance; property management; cemeteries; grounds maintenance; off street car parking functions; Building Regulations; ~~licensing; entertainment, petroleum and cinema licensing, premises registration,~~ property certificates; ~~food control; health and safety; pollution control;~~ capital project delivery; sustainability; and biodiversity functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- To sign and issue notices on behalf of Council
- Issue 'Seven Day Notices' in respect of abandoned vehicles under the Pollution Control and Local Government (NI) Order 1978, as amended
- ~~In accordance with the relevant statutory provisions as listed in Appendix B, to act for and on behalf of Council, and authorise staff where required, to meet the required service provision, and the regulation and enforcement of relevant statutory powers as conferred on Council~~
- Authorise Building Control Officers to act on behalf of council to exercise functions, as follows, in line with Building Control statutory rules detailed in Appendix B1 in regard to:
  - (a) enforcing all regulations, orders and bye-laws made under the said legislation
  - (b) issuing and serving certificates and notices
  - (c) granting and refusing authorisations, approvals and consents, rejecting plans
  - (d) exercising any powers in relation to the issue (but not refusal) of licences
  - (e) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers
  - (f) authorising individual officers for the purpose of exercising any statutory power
  - (g) dispensing with or relaxing, or refusing to dispense with or relax Building Regulations and inviting representations thereon, and extending prescribed periods
  - (h) exercising powers in relation to the energy performance of buildings
  - (i) exercising of 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

#### **4.4—Director of Environment and Property**

The Director of Environment and Property is responsible for and accountable to the Chief Executive for waste management; cleansing; recycling; vehicle maintenance; property management; cemeteries; grounds maintenance; and off street car parking functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Issue 'Seven Day Notices' in respect of abandoned vehicles under the Pollution Control and Local Government (NI) Order 1978, as amended

#### **4.45 Director of Culture Public Health and WellbeingLeisure**

The Director of Culture Public Health and Leisure Wellbeing is responsible for and accountable to the Chief Executive for licensing; food control; health and safety; pollution control; road closure orders; cultural venues; arts development; languages; leisure; sports development; water recreation sites; parks and open spaces; play parks and countryside access functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

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- To sign and issue notices on behalf of Council
- In accordance with the relevant statutory provisions as listed in Appendix B2, to act for and on behalf of Council, and authorise staff where required, to meet the

required service provision, and the regulation and enforcement of relevant statutory powers as conferred on Council  
*No specific matters are delegated as of the date of this scheme*

#### **4.56 Director Finance**

The Director of Finance is responsible for and accountable to the Chief Executive for the administration of finance to include debtors, creditors and payroll and information computer technology functions within Council.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

*No specific matters are delegated as of the date of this scheme*

#### **4.67 Director of Organisational Development**

The Director of Organisational Development is responsible for and accountable to the Chief Executive for the delivery of the human resource and registration services functions within Council; responsibility for the 3 Civic Council Offices.

*No specific matters are delegated as of the date of this scheme*

#### **4.78 Planning Manager**

The Planning Manager is responsible for and accountable to the Chief Executive for the delivery of Development Planning and Enforcement and Development Management Functions of Council:

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Determine all local development applications as detailed in Appendix C, whether for approval or refusal, with the exception of those as contained
- On processing planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations to the extent as detailed in Appendix C

#### **4.89 Council Solicitor**

The Council Solicitor is responsible for accountable to the Chief Executive for the provision of legal service to the Council by undertaking legal services, providing legal advice, assistance and support across all functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Instituting legal proceedings on behalf of Council, acting on the instructions of council or the relevant Senior Officer.



## APPENDIX A: SENIOR OFFICER

In this Scheme the expression Senior Officer means:

- Chief Executive
- Director of Business and Communities
- Director of ~~Public Health~~Environment and Infrastructure
- ~~Director of Environment and Property~~
- Director of ~~Culture~~Public Health and ~~Wellbeing~~Leisure
- Director of Organisational Development
- Director of Finance
- Planning Manager

## **APPENDIX B1: STATUTORY RULES**

### **Building Control Functions**

- Building Regulations (Northern Ireland) Order 1979 (as amended)
- Building Regulations (Northern Ireland) 2012 (as amended)
- Petroleum (Regulations) Act (Northern Ireland) 1929 and 1937
- Clean Neighbourhoods and Environment Act (NI) 2011
- Health and Safety at Work (Northern Ireland) Order 1978
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992
- Public Health Acts 1878 to 1971
- The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2009

Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013

## **APPENDIX B2: STATUTORY RULES**

### **1.0 Environmental Health Functions**

Legislation	Animal By Products Regulations (NI) 2003
	Anti-Social Behaviour (NI) Order 2004
	Betting, Gaming, Lotteries & Amusements (NI) Order 1985
	Building Regulations (NI) Order 1979 (as amended)
	Building Regulations (NI) 2012 (as amended)
	Building (Prescribed Fees) Regulations (NI) 1997 (as amended)
	Caravans Act (Northern Ireland) 1963
	Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991
	Cinemas (NI) 1994
	Clean Air (Northern Ireland) Order 1981
	Clean Neighbourhoods and Environment Act (NI) 2011
	Construction Products Regulations 1991
	Consumer Protection Act 1987
	Dangerous Dogs 1991
	Dogs (NI) Order 1983
	Energy Performance of Buildings (Certificates and Inspections)(Amendment) Regulations (NI) 2014
	Environment (NI) Order 2003
	European Communities Act 1972
	Fire & Rescue Services NI Order 2006
	Food and Environment Protection Act 1985
	Food Hygiene Regulations (NI) 2006
	Food Labelling Regulations (NI) 1996
	Food (Northern Ireland) Order 1989
	Food safety (Temperature Control) Regulations (NI) 1995
	Food Safety (Northern Ireland) Order 1991
	General Product Safety Regulations 2005
	Good Rule and Government Bylaws
	Hairdressers Act (NI) 1939
	Health and Safety at Work (Northern Ireland) Order 1978
	Health and Personal Social Services (NI) Order 1978

High Hedges Act (NI) 2011  
Industrial Pollution Control (Northern Ireland) Order 1997  
Licensing (NI) Order 1996  
Litter (Northern Ireland) Order 1994  
Local Government Act (Northern Ireland) 1972 - Byelaws  
Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985  
Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992  
Noise Act 1996  
Petroleum (Consolidation) Act (NI) 1929  
Pleasure Grounds Bylaws  
Poisons (Northern Ireland) Order 1976  
Pollution Control and Local Government (Northern Ireland) Order 1978  
Pollution Prevention and Control Regulations (Northern Ireland) 2003  
Private Tenancies (NI) Order 2006  
Public Health Acts 1878 to 1971  
Public Health and Local Government (Miscellaneous Provisions) Act 1949  
Rats and Mice Destruction Act 1919  
REACH Enforcement Regulations 2008  
Rent (Northern Ireland) Order 1978  
[Road Traffic Regulation \(NI\) Order 1997](#)  
Shops (Sunday Trading etc) (Northern Ireland) Order 1997  
Street Trading Act (Northern Ireland) 2001  
Smoking (NI) Order 2006 and associated Regulations  
Sunbeds Act (Northern Ireland) 2011  
Safety of Sports Grounds (Northern Ireland) Order 2006  
Tobacco Advertising and Promotion Act 2002  
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005  
Waste and Contaminated Land (NI) Order 1997  
Welfare of Animals Act (NI) 2011  
Welfare Services Act (Northern Ireland) 1971

## EC Regulations

Regulation (EC) No 178/2002 Laying Down the General Principles and requirements of Food Law, Establishing the European food Safety Authority and Laying Down Procedures in matters of Food Safety

Regulation (EC) No 852/2004 The Hygiene of Foodstuffs

Regulation (EC) No 853/2004 Laying Down Specific Hygiene Rules for Food of Animal Origin

Regulation (EC) No 854/2004 Laying Down Specific Rules for the Organisation of Official Controls on Products of Animal Origin Intended for Human Consumption

Regulation (EC) No 882/2004 Official Controls Performed to Ensure the Verification of Compliance with Feed and Food law, Animal Health and Animal Welfare Rules

Regulation (EC) No. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.

## ~~2.0 Building Control Functions~~

- ~~• Building Regulations (Northern Ireland) Order 1979 (as amended)~~
- ~~• Building Regulations (Northern Ireland) 2012 (as amended)~~
- ~~• Petroleum (Regulations) Act (Northern Ireland) 1929 and 1937~~
- ~~• Clean Neighbourhoods and Environment Act (NI) 2011~~
- ~~• Health and Safety at Work (Northern Ireland) Order 1978~~
- ~~• Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985~~
- ~~• Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995~~
- ~~• Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992~~
- ~~• Public Health Acts 1878 to 1971~~
- ~~• The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2009~~
- ~~• Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013~~

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## **APPENDIX C    DELEGATED AUTHORITY ON PLANNING MATTERS**

### **Scheme of Delegation of Planning Applications**

The Scheme of Delegation for planning applications was agreed by Mid Ulster District Council at its meeting of *Thursday 23 April* following approval by the Department of the Environment for Northern Ireland on 1 April. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation takes effect from Wednesday 1 April.

#### **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/estate.

#### **Part B – Delegated Applications:**

The appointed person within the Council is the Planning Manager.

To determine all local development applications with the exception of:

- Applications which are significant departures from the Development Plan or planning policy and which are recommended for approval.
- Applications submitted by the Chief Executive, Directors, planning staff, or their close relatives (parents, partners, siblings, and children).
- Applications attracting valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- Any application referred to the Planning Committee by a Council Member, subject to a valid planning reason being provided by the Member for the deferral.
- All refusals of planning permission.
- Applications where the Planning Manager considers that the proposal merits consideration by the Committee, for example an application subject to an Enforcement Notice where the recommendation is to refuse permission.
- Applications where a legal agreement is required.

#### **Part C – Publicity:**

On adoption of this scheme of delegation the council made a copy

- available on the councils website at [www.midulstercouncil.org](http://www.midulstercouncil.org).

- available at Mid Ulster Council Offices

Magherafelt Office

50 Ballyronan Road

Magherafelt

BT45 6EN

An advert was placed in the local press.....



## **Scheme of Delegation of planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations**

The Scheme of Delegation for planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations was agreed by Mid Ulster District Council at its meeting of *Thursday 23 April*. The Scheme of Delegation takes effect from Wednesday 1 April and is in accordance with Section 7 (4) (b) of the Local Government Act 2011.

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

- the serving of a Tree Preservation Order;
- confirmation of a Provisional Tree Preservation Order;
- the serving of a Temporary Listing: Building Preservation Notice.

### **Delegated planning consents, certificates, orders and other decisions:**

The Planning Manager is delegated the authority to:

- serve a Provisional Tree Preservation Order;
- determine an application:
  - to carry works to a Protected Trees;
  - for Hazardous Substance Consent;
  - for a Certificate of Lawful Use of Development and for Non Material Changes.
- make determinations under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland)

All applications for listed building consent, conservation area consent and advertisement consent are delegated with the exception of the following which require determination by the Planning Committee:

- The application is made by the council or an elected member of the council.
- The application relates to land in which the council has an interest.
- The application is submitted by the Chief Executive, Director, planning staff, or close relatives (parents, partners, siblings, and children)
- The application has attracted valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- The application is recommended for refusal.
- Where the Planning Manager considers that the proposal merits consideration by the Committee.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

**Investigation of Breaches of Planning Control and Enforcement Action:**

The Planning Committee shall be required to consider and determine the serving of an Enforcement Notice, Stop Notice, and Listed Building Enforcement Notice, Listed Building Urgent Works Notice.

The Planning Manager is delegated the authority to:

- investigate all complaints of a breach of planning control and where appropriate may close a case on the grounds that a breach has not occurred or that it is not expedient or in the public interest to take action;
- serve of a Breach of Condition or Submission Notice;
- instruct the District Solicitor in the pursuit of legal action provided the Committee is aware of the action and may instruct the Planning Manager to cease or to hold in abeyance any legal proceedings.

The Planning Manager may in exceptional circumstances and where there is a risk to human health or safety serve an enforcement notice or stop notice.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.