

## **Part 2**

# **Responsibility for Functions**

**Annex 1** – Principles of Delegation

**Annex 2** – Responsibilities for Council Functions

**Annex 3** – Responsibility for Executive Functions

**Annex 4** – Joint Arrangements

**Annex 5** – Scheme of Delegation for Senior Officers

## **Annex 1: Principles of Delegation**

Where decisions are taken by officers under delegated powers and authority, as set out with Council's Scheme of Delegation 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

## **Annex 2 – Responsibilities for Council Functions**

The Terms of Reference for Committees provides information on the constitution and functions referred to committees. Mid Ulster District Council committees are:

- Audit Committee – 8 elected members
- Development Committee – 16 elected members
- Environment Committee – 16 elected members
- Planning Committee – 16 elected members
- Policy & Resources Committee – 16 elected members

# Mid Ulster District Council

## Terms of Reference & Delegation to Committees

<b>First Published</b>	March 2015
<b>Last Revised</b>	March 2020

## Contents

Section		Page
1.0	General	3
2.0	Committee Provisions	4
3.0	Committees	5
	3.1 Audit Committee	7
	3.2 Development Committee	9
	3.3 Environment Committee	10
	3.4 Planning Committee	11
	3.5 Policy and Resources Committee	12
4.0	Monitoring and Review	13

## **1.0 GENERAL**

### **1.1 Introduction**

1.1 Mid Ulster District Council transacts its business through a traditional committee system, where business is initially considered by one of its committees forming part of its governance decision-making framework. This document:

- Regulates the constitution and membership of each committee of Council
- Allocates and confirms referred functions to each committee, forming their Terms of Reference
- Delegates authority to committees to exercise the functions of the Council, where applicable

1.2 This document confirms the remit of each committee, their terms of reference, specifying the functions referred to each and defines authority limits.

### **1.2 Amendment**

1.2.1 This document may be amended at any time by the Council by decision of a simple majority.

### **1.3 Interpretation**

1.3.1 In this document the expressions, as detailed below, will have the following meaning assigned:

- “Act” in relation to the functions of the Council means an the Local Government (NI) Act 2014 or other Act of Parliament or any amendment or variation thereof including Regulations made in the name of a relevant Act
- “Co-opted Member” means any Member of a Committee who is not an elected member of Mid Ulster District Council
- “Council” means Mid Ulster District Council
- “Chief Executive” means the Clerk/ Chief Executive appointed by Mid Ulster District Council
- “Senior Officer” means any Senior Officer appointed by the Council forming part of its senior management team
- “Member” means a Councillor elected to serve of Mid Ulster District Council

## **1.4 Committees**

1.4.1 Subject to the provisions of the Local Government (NI) Act 2014, Schedules 1 and 2 and other relevant statutes the Council will establish, nominate members to and maintain the following committees:

- Audit Committee
- Development Committee
- Environment Committee
- Planning Committee
- Policy & Resources Committee

1.4.2 Committees of Council as outlined will have the constitution, quorum, terms of reference and authority delegated, where appropriate, under the appropriate part of section 3 of this document.

## **1.5 Working Groups**

1.5.1 The Council and either of its committees may consider it necessary to establish Working Groups of members and council officers to consider and make recommendations on a series of non-policy matters and/ or to help in the formulation of policy. Working Groups will be characterised as dealing with issues on a task and finish basis, established to further consider any matter forming part of the remit of the Committee convening it, or Council. Once the matter under consideration has been completed by the Working Group to the satisfaction of the relevant committee or Council it will be stood down.

1.5.2 Working Groups shall officially report to the committee, or council, from which it was formed and shall not have power to exercise on behalf of council any authority nor to incur expenditure without prior authority. A Working Group shall not have the scope to issue instructions to any officer without prior authority of the relevant committee.

1.5.3 All working groups shall be provided with a terms of reference by the committee establishing it, or Council, defining its objectives and reporting arrangements.

## **2.0 Committee Provisions**

### **2.1 Introduction**

2.1.1 There will be excluded from reference to any committee of council:

- Any matter which has been specifically referred to another committee
- Any matter which the Council may decide is specifically excluded from reference to the committee or committees in general

2.1.2 Notwithstanding the reference to one Committee of any single function, the Council shall have the power to refer a function specifically to another committee, where by reason of the nature of the matter and in the opinion of the Council it should be so referred.

### **2.2 Delegated Functions**

2.2.1 Subject to the provisions of the Local Government (NI) Act 2014, other relevant statutes and Council Standing Orders relating to the transaction of council proceedings where any function of the Council is delegated to a Committee it will have the power to exercise the function in like manner as the Council could have exercised it, had there been no delegation in the first instance. This is provided, however, that it will be competent for the committee in relation to any delegated matter, instead of taking a decision thereon to make a recommendation to the Council thereon, in which event the matter will be decided by the Council after consideration of that recommendation.

2.2.2 The Council will exclude from delegation to any of its committees the following, as detailed within the Local Government (NI) Act 2014 (a) to (e), and other relevant statutes, which must be wholly discharged by Council:

- (a) Making a district rate under the Rates (Northern Ireland) Order 1977
- (b) 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
- (c) Borrowing money
- (d) Acquiring or disposing of land itself
- (e) Except as provided for in the council's Financial Regulations, the Scheme of Delegation or Standing Orders in respect of matters referred to the committee, any of the following:
  - i. The incurring of any net new expenditure not provided for in the estimate of capital or revenue expenditure unless such expenditure is reported to and approved by the Council



- ii. The preparation, review and amendment this document regulating the constitution, membership, functions and powers of Committees of the Council
  - iii. The preparation, review and amendment of the Standing Orders regulating proceedings and business of the Council and Committees
  - iv. The preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its Officers
- (f) The appointment of representatives of the Council on outside bodies
- (g) The decision to co-operate or combine with other councils to provide services other than by way of collaborative agreement
- (h) Functions referred to or delegated to any other Committee

## **2.3 General**

- 2.3.1 The Council will appoint all Members of Committees unless otherwise provided for in this document. Only the council itself has the power of appointment to and removal of Members from a committee. This power cannot be delegated and appointments to each committee shall take place at council's annual meeting as provisioned for within Standing Orders.
- 2.3.2 The appointment of Chair and Deputy Chair of any Committee, as positions of responsibility, as defined by the Local Government (NI) Act 2014 shall not be undertaken by a committee.
- 2.3.3 The proceedings of any committee will not be invalidated through any vacancy in membership or defect in appointment.
- 2.3.4 The Committees of the Council will have their terms of reference specified in this document in relation to each committee and each will conduct their business within their terms of reference only and act in accordance with the policies of the Council.
- 2.3.5 Committees will conduct their business always in accordance with the Standing Orders relating to meetings and proceedings of the Council and committees.
- 2.3.6 Committees will always conduct their business in accordance with Standing Orders and with Council Rules and Procedures as set out within the Council Constitution on contracts, financial arrangements and the budget and policy framework.
- 2.3.7 A Member may take part in the proceeding of, speak and vote, at any Committee of which he or she is a Member. A Member may attend meetings of a Committee of which they are not a Member but may only speak following prior request to the Chair and invited to address the Committee on the matter under consideration. They shall not be entitled to a vote on that or any other matter being considered at that meeting.
- 2.3.8 An Elected member who is not a member of committee may attend as a participant to the extent as referred at 2.3.7 above. Members may only be entitled to claim for travel, subsistence and necessary expenses, which they have been invited to attend and participate in the meeting or particular section of the meeting thereof.

### **3.0 COMMITTEES**

#### **3.1 Audit Committee**

The Audit Committee will comprise 8 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (NI) Act 2014. The committee shall also have a co-opted member who will be independent of and not be a member of Mid Ulster District Council. The committee will comprise a membership of 9.

##### **Purpose**

To provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes in line with CIPFA's 2013 Position Statement.

##### **Authority**

The audit committee has authority to conduct or authorise investigations into any matters within its scope of responsibility.

##### **Membership and Effectiveness**

The audit committee membership is characterised by:

- a) being balanced, objective, independent of mind, knowledgeable and properly trained to fulfil their role;
- b) being supportive of good governance principles and their practical application towards the achievement of organisational objectives;
- c) having a strong independently minded chair – displaying a depth of knowledge, skills and interest;
- d) unbiased attitudes- treating auditors, the executive and management fairly;
- e) having the ability to challenge the executive and senior managers when required.

The effectiveness of the audit committee will be considered annually along with a review of the terms of reference.

##### **3.1.2 Chair**

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 3 of the Local Government (NI) Act 2014.

##### **3.1.3 Quorum**

Business shall not be transacted unless at least one third of the whole number of the committee is present. Three members shall be present.

## Meetings

The committee will meet every two months, with authority to convene additional meetings, as circumstances require. All committee members are expected to attend each meeting, in person or via tele- or video-conference. The committee will invite members of management, auditors or others to attend meetings and provide information, as necessary. It will hold private meetings as required with auditor and executive sessions. Meeting agendas will be prepared and provided in advance to members, along with appropriate materials.

### 3.1.4 Responsibilities

The core functions of an audit committee are to:

- 1) Be satisfied that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the authority's objectives.
- 2) In relation to the Council's internal audit functions:
  - a) oversee its independence, objectivity, performance and professionalism
  - b) support the effectiveness of the internal audit process
  - c) promote the effective use of internal audit within the assurance framework
- 3) Consider the effectiveness of the Council's risk management arrangements and the control environment. Review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships with other organisations.
- 4) Monitor the effectiveness of the control environment, including arrangements for ensuring value for money and for managing the Council's exposure to the risks of fraud and corruption.
- 5) Consider the reports and recommendations of external audit and *inspection agencies* and their implications for governance, risk management or control.
- 6) Support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies and encourage the active promotion of the value of the audit process.
- 7) Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

Possible wider functions of the Audit Committee:

- 1) Considering governance, risk or control matters at the request of other committees or statutory officers.
- 2) Working with local standards committees to support ethical values and reviewing the arrangements to achieve those values.
- 3) Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.
- 4) Providing oversight of other public reports, such as the annual report.

## **3.2 Development Committee**

### **3.2.1 Constitution**

The Development Committee will comprise 16 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (NI) Act 2014.

### **3.2.2 Chair**

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 3 of the Local Government (NI) Act 2014.

### **3.2.3 Quorum**

Business shall not be transacted unless at least one third of the whole number of the committee is present. Six members shall be present.

### **3.2.4 Functions Referred**

(i) The committee is delegated the power to exercise the council's licensing functions in connection with its Environmental Health functions.

(ii) The following functions stand referred to the committee:-

To consider business and make recommendations to Council on:

- Administration and management of cultural venues
- Arts Development service delivery matters
- Regional and Minority Languages requirements
- Management of Leisure Services
- Sports Development service delivery matters
- Management and development of Water Recreation Sites transferred from central government
- Management and development of Parks & Open Spaces
- Management and development of Play Areas
- Administration of matters pertaining to countryside access and related matters
- Management of Community Services
- Policing and Community Safety Partnership
- Management of Rural Development Programme
- Administration and management of Local Economic Development
- Delivery of Physical Regeneration initiatives
- Administration and management of functions and powers transferred from central government departments for Social Development and Enterprise, Trade & Investment
- Tourism service delivery matters
- Council and Community Events
- Environmental Health service delivery matters to

### **3.3 Environment Committee**

#### **3.3.1 Constitution**

The Environment Committee will comprise 16 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (NI) Act 2014.

#### **3.3.2 Chair**

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 3 of the Local Government (NI) Act 2014.

#### **3.3.3 Quorum**

Business shall not be transacted unless at least one third of the whole number of the committee is present. Six members shall be present.

#### **3.3.4 Functions Referred**

(i) The committee is delegated the power to exercise the council's licensing functions in connection with its Building Control functions.

(ii) The following functions are referred to the committee:-

To consider business and make recommendations to council on:

- Building Control service delivery matters
- Capital projects of the council
- Waste management service delivery matters
- Street cleansing service delivery matters
- Council estate management and property portfolio
- Maintenance and cleansing of public spaces
- Management of Off-Street Car Parks, transferred from central government
- Cemeteries and Burial Grants within the control of the Council

### **3.4 Planning Committee**

#### **3.4.1 Constitution**

The Planning Committee will comprise 16 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (NI) Act 2014.

#### **3.4.2 Chair**

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 3 of the Local Government (NI) Act 2014.

#### **3.4.3 Quorum**

Business shall not be transacted unless at least one third of the whole number of the committee is present. Six members shall be present.

#### **3.4.4 Functions Referred**

The following functions are referred to the committee:

1. The Planning Committee is responsible for the exercise all of the Council's planning functions, excepting those matters which are expressly delegated to officers under the Council's Scheme of Delegation on Planning Matters, or reserved to full Council.
2. In relation to those functions that are reserved to full Council, the Planning Committee is responsible for considering business and making recommendations to council on those matters, which is:-
  - The approval of the Council's Local Development Plan.
3. The Planning Committee is responsible for the monitoring of the Council's Local Development Plan on an annual basis in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.
4. The Planning Committee is responsible for responding to consultations in relation to planning issues, including; (i) any development plan documents, policies, strategies, etc. in adjoining authorities; (ii) on regionally significant or major applications to be determined by the Department; (iii) on any planning guidance, policy, or legislation; and (iv) any other matters which have significant implications for land use and physical development.

### **3.8 Policy and Resources Committee**

#### **3.8.1 Constitution**

The Policy and Resources Committee will comprise 16 Members of Council appointed using the Quota of Greatest Remainder (QGR) as provisioned for within Sc. 2 of the Local Government (Northern Ireland) Act 2014.

#### **3.8.2 Chair**

The committee will have a Chair and Deputy Chair and be appointed by the Council at its Annual Meeting as positions of responsibility under Part 2 of the Local Government (NI) Act 2014.

#### **3.8.3 Quorum**

Business shall not be transacted unless at least one third of the whole number of the committee is present. Six members shall be present.

#### **3.8.4 Functions Referred**

1. To consider business and make recommendations to Council on:
  - Administration and management of Democratic Services, to include Member Services
  - Administration and management of council Finance function
  - Governance arrangements and all such matters of Council
  - Administration and management of council Human Resources
  - Administration and management of Registration Services (Births, Deaths and Marriages)
  - Administration and management of ICT Services and related matters
  - Marketing & Communications service delivery matters
  - Council Policy Development Framework
  - Council Performance Improvement and Management Framework
2. Consider any matter not delegated, referred to or coming under the remit of any other committee

#### 4.0 Monitoring and Review

This document will be reviewed and consulted throughout each term of the council. A formal review will be undertaken at the commencement of the term of each new council, following a Local Election to Mid Ulster District Council.

Document Control Summary		
Last Revised	Revised By	Nature of Revision
26 May 2016	Head of Democratic Services	Audit Committee Terms of Reference, section 3.1
26 March 2020	Council Solicitor Head of Democratic Services	Changes to matters referred to align with senior staff structure change effective 6 April 2020
22 Nov 2021	Assistant Director: Organisational Development, Strategy & Performance	Reviewed and no changes deemed necessary as was previously revised to align to a structure agreed for 2020. Changes made then are applicable to 2021 organisational restructure



### **Annex 3 – Responsibility for executive functions**

Mid Ulster District Council does not operate executive arrangements.

## **Annex 4 – Joint Arrangements**

### **4.1 Tullyvar Joint Committee**

Tullyvar Joint Committee is a formal Committee initially set up by Omagh and Dungannon Councils in line with the Local Government (NI) Act 1972 with autonomy to oversee and manage the Tullyvar Landfill Site, Aughnacloy. This committee now operates with representation from Mid Ulster District Council and Fermanagh & Omagh District Council under the auspices of the Local Government (NI) Act 2014. It is comprised of 5 elected members from each council and Mid Ulster District Council acts as the secretariat for the Committee.

# Mid Ulster District Council

## Scheme of Delegation for Senior Officers

First Published	March 2015
Revised	March 2020
Last Revised	December 2021

## CONTENTS

Section	Page
<b>1.0 Introduction</b>	<b>3</b>
<b>2.0 General Principles on Delegation</b>	<b>4</b>
<b>3.0 Delegated Functions: General</b>	<b>5</b>
3.1 General Administration	
3.2 Finance	
3.3 Emergencies & Cases of Urgency	
3.4 Management of Land & Property Assets	
3.5 Human Resources	
3.6 Procurement	
<b>4.0 Delegated Functions: By Officer</b>	<b>9</b>
4.1 Chief Executive	<b>9</b>
4.2 Strategic Director of Communities and Place	<b>9</b>
4.3 Strategic Director of Environment	<b>10</b>
4.4 Strategic Director of Corporate Services and Finance	<b>11</b>
4.5 Strategic Director of Organisational Development, Strategy and Performance	<b>11</b>
4.6 Service Director Planning	<b>11</b>
<b>Appendices</b>	
<b>Appendix A: Senior Officers</b>	<b>12</b>
<b>Appendix B1: Statutes which Strategic Director of Communities and Place has delegated authority</b>	<b>13</b>
<b>Appendix B2: Statutes which Director of Environment has Public has delegated authority</b>	<b>16</b>
<b>Appendix C: Delegated Authority on Planning Matters</b>	<b>17</b>

## **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. 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 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 in 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 or a 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 Strategic Director of Corporate Services and Finance
- Any decision which has significant financial implications shall be taken in consultation with the Strategic Director of Corporate Services and Finance or, in their absence, the Assistant Director of Finance, Legal, Governance and Transformation
- 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 Strategic Director of Corporate Services and Finance 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 responsibility of the Strategic Director of Organisational Development, Strategy and Performance. 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 Strategic Directors of Corporate Services and Finance; Environment and; Communities and Place.

### **3.5 Human Resources**

The exercise of the following delegated powers is subject to consultation with the Strategic Director of Organisational Development, Strategy and Performance 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 Assistant Director 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, Strategy and Performance Department's approach.
- 3.5.3 Approving the use of agency resources in accordance with all relevant Council policies, following approval from Strategic Director for Organisational Development, Strategy and Performance.
- 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 Approving 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, Strategy and Performance.

### **3.6 Procurement**

The exercise of the following delegated powers is subject to consultation with the Strategic Director of Corporate Services and 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 Strategic Director of Corporate Services and Finance.
- 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. The post is specifically responsible for marketing and communications, rural development, economic development, physical regeneration, tourism and the transferred functions from the former Department for Enterprise, Trade and Investment.

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 a 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 Strategic Director of Communities and Place**

The Strategic Director of Communities and Place 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; cultural venues; arts development; languages; events; licensing matters extending to street trading, betting, gaming lotteries and amusements and others within the environmental health remit; health and safety advice to businesses, employees and members of the public; public health and housing; food control; pollution control; leisure; sports development; water recreation sites; 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:

- To sign and issue notices on behalf of Council
- In accordance with the relevant statutory provisions as listed in Appendix B1, 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

### **4.3 Strategic Director of Environment**

The Director of Environment and Infrastructure is responsible for and accountable to the Chief Executive for waste management; cleansing; recycling; vehicle maintenance and fleet operator compliance; property/asset management; cemeteries; grounds maintenance; off street car parking functions; Building Regulations; entertainment licensing, property certificates; capital planning and capital project delivery; sustainability; biodiversity and; emergency planning and corporate health and safety 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
- Authorise the relevant Service officers to act on behalf of council to exercise functions, as follows, in line with Building Control statutory rules detailed in Appendix B2 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 Strategic Director of Corporate Services and Finance**

The Strategic Director of Corporate Services and 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, legal matters, governance and transformation 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:

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

#### **4.5 Strategic Director of Organisational Development, Strategy and Performance**

The Strategic Director of Organisational Development, Strategy and Performance 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; democratic and committee services; business support; customer services; corporate strategy; performance and; community planning functions of council.

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

#### **4.6 Service Director of Planning**

The Service Director of Planning 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

## **APPENDIX A: SENIOR OFFICER**

In this Scheme the expression Senior Officer means:

- Chief Executive
- Strategic Director of Communities and Place
- Strategic Director of Environment
- Strategic Director of Organisational Development, Strategic and Performance
- Strategic Director of Corporate Services and Finance
- Service Director Planning

## APPENDIX B1: STATUTORY RULES

### Environmental Health Functions

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

	<p>Industrial Pollution Control (Northern Ireland) Order 1997</p> <p>Licensing (NI) Order 1996</p> <p>Litter (Northern Ireland) Order 1994</p> <p>Local Government Act (Northern Ireland) 1972 - Byelaws</p> <p>Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985</p> <p>Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992</p> <p>Noise Act 1996</p> <p>Petroleum (Consolidation) Act (NI) 1929</p> <p>Pleasure Grounds Bylaws</p> <p>Poisons (Northern Ireland) Order 1976</p> <p>Pollution Control and Local Government (Northern Ireland) Order 1978</p> <p>Pollution Prevention and Control Regulations (Northern Ireland) 2003</p> <p>Private Tenancies (NI) Order 2006</p> <p>Public Health Acts 1878 to 1971</p> <p>Public Health and Local Government (Miscellaneous Provisions) Act 1949</p> <p>Rats and Mice Destruction Act 1919</p> <p>REACH Enforcement Regulations 2008</p> <p>Rent (Northern Ireland) Order 1978</p> <p>Shops (Sunday Trading etc) (Northern Ireland) Order 1997</p> <p>Street Trading Act (Northern Ireland) 2001</p> <p>Smoking (NI) Order 2006 and associated Regulations</p> <p>Sunbeds Act (Northern Ireland) 2011</p> <p>Safety of Sports Grounds (Northern Ireland) Order 2006</p> <p>Tobacco Advertising and Promotion Act 2002</p> <p>Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005</p> <p>Waste and Contaminated Land (NI) Order 1997</p> <p>Welfare of Animals Act (NI) 2011</p> <p>Welfare Services Act (Northern Ireland) 1971</p> <p><b><u>EC Regulations</u></b></p> <p>Regulation (EC) No 178/2002 Laying Down the General</p>
--	---



	<p>Principles and requirements of Food Law, Establishing the European food Safety Authority and Laying Down Procedures in matters of Food Safety</p> <p>Regulation (EC) No 852/2004 The Hygiene of Foodstuffs</p> <p>Regulation (EC) No 853/2004 Laying Down Specific Hygiene Rules for Food of Animal Origin</p> <p>Regulation (EC) No 854/2004 Laying Down Specific Rules for the Organisation of Official Controls on Products of Animal Origin Intended for Human Consumption</p> <p>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</p> <p>Regulation (EC) No. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.</p>
--	--

## **APPENDIX B2: 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 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 Service Director of Planning

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 Service Director of Planning 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.

### **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.

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 Service Director of Planning 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.

The Service Director of Planning 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 Service Director of Planning 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.