

## **PART 3 – RESPONSIBILITY FOR FUNCTIONS**

### **Section 4F – Delegations to Specific Officers**

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**The officers named below shall be authorised to exercise the following Delegations, provided always that the decision is:**

- a) within budget**
- b) in accordance with the Council’s policy framework**
- c) in accordance with Council’s Financial and Land Procedure Rules and Contracts Procedure Rules**
- d) in accordance with their Service Area Business Plan**
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet, a Statutory Officer, the Chief Executive, Corporate Director or any other Director or Assistant Director.**

<b>Ref</b>	<b>Delegation</b>
Head of Shared Regulatory Service	<ul style="list-style-type: none"><li>• To act as the Chief Inspector of Weights and Measures and to exercise the functions assigned to the Council as a weights and measures authority.</li><li>• To discharge the duties and functions listed in Schedule 1 Part 3 of the Shared Regulatory Service Collaboration Agreement dated 10<sup>th</sup> April 2015.</li><li>• To exercise all functional responsibilities delegated by the Licensing Committee and the Public Protection Committee.</li></ul>
Operational Manager, Bereavement and Registration Services	<ul style="list-style-type: none"><li>• To act as the proper officer for the registration service and to exercise the functions assigned to the Council under the Registration Acts.</li></ul>

<p>Director of Social Services</p>	<ul style="list-style-type: none"> <li>• To be the Director of Social Services pursuant to section 6 of the Local Authority Social Services Act 1970 with responsibility for the social services functions of the Council, including the authority to decide on the reception of persons into guardianship of the Authority under sections 7 and 37 of the Mental Health Act 1983, the exercise of functions of nearest relative of persons so suffering and to make appointments of Approved Social Workers.</li> <li>• To be the Council's Lead Officer on Children's Services for the purposes of the Children Act 2004.</li> </ul>
<p>Director, Education  Director, Education, DEd1</p>	<ul style="list-style-type: none"> <li>• To be the Chief Education Officer of the Authority pursuant to Section 532 of the Education Act.</li> <li>• To exercise the Council's powers of intervention under Part 2 of the School Standards and Organisation (Wales) Act 2013, including for the avoidance of doubt, the powers to serve a Warning Notice; appoint additional governors or an Interim Executive Board.</li> </ul>
<p>Head of Planning</p>	<ul style="list-style-type: none"> <li>• To determine all matters which are delegated to the Planning Committee under the Council's constitution and to carry out any functions under Planning legislation, subject to consultation with the Chair of the Planning Committee (or in his or her absence, the Vice Chair) in any case where written objections on valid planning grounds have been submitted and remain unwithdrawn, EXCEPT for the following matters which are reserved for determination by the Planning Committee: <ul style="list-style-type: none"> <li>(i) Planning applications submitted by or on behalf of any current Elected Members of the Council (except when a Member is acting in a professional capacity as an agent for a third party), Directors and Assistant Directors or the Head of Planning.</li> <li>(ii) An Elected Member of the Council has requested in writing to the Chair of Planning Committee within the statutory consultation period (being 21 days from the commencement of the formal public consultation) that an application be referred to Planning Committee for consideration giving valid planning reasons, except in cases where the Head of Planning, in consultation with Chair of Planning Committee (or in his or her absence, the Vice Chair) determines at his discretion that the application should be determined as a delegated decision.</li> <li>(iii) The Director of Planning, Transport and Environment or the Head of Planning considers that the</li> </ul> </li> </ul>

	<p>application should be determined by Planning Committee by virtue of the application raising significant policy and material considerations/concerns and/or widespread local concerns.</p> <p>(iv) Approval of the application would represent a significant departure from policies contained within the approved Local Development Plan.</p> <p>(v) Cardiff Council is the applicant and the scheme is not of a 'minor' nature in the opinion of the Director of Planning, Transport and Environment or Head of Planning.</p> <p>(vi) Applications where the decision would conflict with an objection received from a statutory consultee and the objection has not been withdrawn or has been unable to be resolved by negotiation or by imposing a planning condition on any consent issued, except in cases where the Head of Planning, in consultation with Chair of Planning Committee (or in his or her absence, the Vice Chair) determines at his discretion that the application should be determined as a delegated decision.</p> <p>(vii) Applications where a valid petition has been submitted in accordance with the Council's Planning Committee Procedure Rules.</p> <p>In the absence of the Head of Planning, this delegation shall be exercisable by either of the Planning Operational Managers. In the case of a senior management re-organisation, any officers with similar duties to the officers and the job titles specified in this scheme will have the powers assigned to the officers and the job titles in this scheme.</p> <p>In the absence of the Chair of Planning Committee, the authority passes to the Vice Chair of Planning Committee.</p>
Corporate Director, People and Communities	<ul style="list-style-type: none"> <li>• To make compulsory purchase orders in respect of single dwellings under Part II of the Housing Act 1985 and or the Acquisition of Land Act 1981.</li> </ul>

Corporate Director, Resources	<ul style="list-style-type: none"> <li>To make all necessary arrangements in consultation with the Cabinet Member, Environment and with advice as necessary from the Director Governance and Legal Services, to enable the Council to discharge its functions as a Single Licensing Authority under Part 1 of the Housing (Wales) Act 2014 and the Renting Homes (Fees etc) (Wales) Act 2019</li> </ul>
<b>Director of Economic Development</b>	
DE1	<p>To authorise disposals of land or an interest in land where the value is not more than £1,000,000 and where:</p> <ul style="list-style-type: none"> <li>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;</li> <li>(ii) The offer represents the best price reasonably obtainable; and</li> <li>(iii) The offer so accepted is on price alone,</li> </ul> <p>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, <del>and</del></p> <p><b><u>Qualification: This may not be further delegated.</u></b>  <del>Provided that this power may not be sub-delegated other than in accordance with delegation CP1 below.</del></p>
DE2	<p>To authorise acquisitions of land or an interest in land where the value is not more than £1,000,000 and where:</p> <ul style="list-style-type: none"> <li>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;</li> <li>(ii) The Council's offer represents no more than market value as determined by a qualified valuer; and</li> <li>(iii) The amount offered is on price alone,</li> </ul> <p>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, <del>and</del></p> <p><b><u>Qualification: This may not be further delegated.</u></b>  <del>Provided that this power may not be sub-delegated other than in accordance with delegation CP2 below.</del></p>

DE2A	To authorise the appropriation of land held by the Council for any purpose or function for which the Council is authorised to acquire land by statute, subject to Member consultation and advice from the Section 151 Officer and the Director of Governance and Legal Services.
DE2AA	To authorise the appropriation of land from the General Fund to the Housing Revenue Account and from the Housing Revenue Account to the General Fund as may be appropriate, where the value of the land is no more than £1,000,000, subject to consultation with the relevant Cabinet member and the Corporate Director, People and Communities, and advice from the Section 151 Officer and the Director of Governance and Legal Services.
DE3	<p>To authorise the grant or taking of a lease at a rent not exceeding £1,000,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £1,000,000, where:</p> <ul style="list-style-type: none"> <li>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation; and</li> <li>(ii) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or</li> <li>(iii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer,</li> </ul> <p>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, <del>and</del>.</p> <p><b><u>Qualification: This may not be further delegated.</u></b>  <del>Provided that this power may not be sub-delegated other than in accordance with delegation CP3 below.</del></p>
DE4	<p>To declare Operational Land and Property as surplus to the Council's requirements, subject to consultation with service areas and ward Members, and subject to no objections being received from ward Members. Receipt of a ward Member objection will require the report to be referred to the Cabinet for decision.</p> <p><b>Qualification: This may not be further delegated.</b></p>
DE5	To grant grazing licences, easements, leases to utility undertakings for operational purposes, temporary licences and renewals.
DE6	To grant landlord's consent to alterations to land involving change of use (other than A4.8).

DE7	To agree the sale of residential freehold reversions.
DE8	To grant the release or modification of restrictive covenants for alterations to residential premises.
DE9	To settle Part 1 claims under the Land Compensation Act 1973.
DE10	To grant landlord's consent to the assignment of existing tenancies.
DE11	To grant landlord's consent to the subletting of existing tenancies.
DE12	To grant landlord's consent to alterations to land involving no change of use.
DE13	To agree Council House sales under Right to Buy provisions.

### Assistant Director, County Estates

<u>ADE1</u>	<p><u>To authorise disposals of land or an interest in land where the value is not more than £500,000 and where:</u></p> <p>(iv) <u>Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;</u></p> <p>(v) <u>The offer represents the best price reasonably obtainable; and</u></p> <p>(vi) <u>The offer so accepted is on price alone,</u></p> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land.</u></p> <p><b><u>Qualification: This may not be further delegated.</u></b></p>
<u>ADE2</u>	<p><u>To authorise acquisitions of land or an interest in land where the value is not more than £500,000 and where:</u></p> <p>(iv) <u>Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;</u></p> <p>(v) <u>The Council's offer represents no more than market value as determined by a qualified valuer; and</u></p> <p>(vi) <u>The amount offered is on price alone,</u></p> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and.</u></p> <p><b><u>Qualification: This may not be further delegated.</u></b></p>

ADE3	<p><u>To authorise the grant or taking of a lease at a rent not exceeding £500,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £500,000, where:</u></p> <ul style="list-style-type: none"> <li><u>(iv) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation; and</u></li> <li><u>(v) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or</u></li> <li><u>(vi) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer.</u></li> </ul> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and.</u></p> <p><b><u>Qualification: This may not be further delegated.</u></b></p>
<p><b><u>Corporate Property and Estates Manager</u></b><b><u>Head of Property</u></b></p>	
CP1	<p><del>Subject to sub-delegation of delegation DE1, t</del>To authorise disposals of land or an interest in land where the value is not more than £<del>400</del><u>250</u>,000 and where:</p> <ul style="list-style-type: none"> <li>(i) The offer represents the best price reasonably obtainable;</li> <li>(ii) The offer so accepted is on price alone; and</li> <li>(iii) The offer is greater than that estimated by a qualified valuer or no more than 10% below that estimate.</li> </ul> <p><b>Qualification: This may <del>not be</del><u>be</u> further delegated <u>to officers at Operational Manager level only.</u></b></p>

CP2	<p><del>Subject to sub-delegation of delegation DE2, t</del>o authorise the acquisition of land or an interest in land where the value is not more than £<del>400</del><u>250</u>,000 and where:</p> <ul style="list-style-type: none"> <li>(i) The Council's offer represents no more than market value; and</li> <li>(ii) The amount offered is on price alone.</li> </ul> <p><b>Qualification: This may <del>not</del> be further delegated <u>to officers at Operational Manager level only.</u></b></p>
CP3	<p><del>Subject to sub-delegation of delegation DE3, t</del>o authorise the grant or taking of a lease at a rent not exceeding £100,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £100,000, where:</p> <ul style="list-style-type: none"> <li>(i) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or</li> <li>(ii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer.</li> </ul> <p><b>Qualification: This may <del>not</del> be further delegated <u>to officers at Operational Manager level only.</u></b></p>