

LONDON BOROUGH OF BROMLEY
CONSTITUTION – APPENDIX 10

**SCHEME OF EXECUTIVE AND NON-EXECUTIVE
DELEGATION TO OFFICERS**

* * * *

CONTENTS

	Page No.
Proper Officers	2
<u>Part I</u>	
General Conditions governing delegation of functions to:	
Chief Officers	4
<u>Part II</u>	
(A) General Authorities applicable to the functions of the Council, Executive body or any Committee:	
All Chief Officers	7
Chief Executive	9
Director of Resources.....	10
Directors of Education and Care Services.....	12
(B) Authorities related to the functions of the Executive, individual Portfolio Holders and regulatory Committees:	
Key references to Officers	13
Development Control Committee	14
Portfolio for Education*.....	23
Portfolio for Public Protection & Safety*.....	28
Portfolio for the Environment *	32
Portfolio for Resources*	51
Portfolio for Care Services *	61
Portfolio for Renewal and Recreation*.....	64
* Or, as the case may be, any relevant regulatory Committee(s)	
Appendices	65

* * *

PROPER OFFICERS

The Local Government Act 1972 introduced a requirement that the officer required to perform specified duties should be the 'proper officer' appointed by the Council for that purpose.

(1) Subject to any appointment for a specific purpose, the 'proper officer' for the purpose of the Local Government Act 1972 shall be as set out below:-

<u>Section</u>	<u>Purpose</u>	<u>Proper Officer</u>
39	Registration Officers	}
41(2) & (3)	Returning Officers at Local Government Elections	
83(1)	Declaration of Acceptance of Office	
		Chief Executive
		The Director of Resources shall act as proper officer where the Chief Executive is unable to act
84	Resignation of Members	}
88(2)	Filling of casual vacancies for Chairman	}
89(1)	Notice of casual vacancies	}
212	Local Land Charges	} }
		Director of Renewal and Recreation
Schedule 12, Pt. 1 4(2)(b) & 4(3)	Notice of Meetings – for the issue of (i) summonses calling meetings of the Council	} } }
	(ii) agenda for meetings of Committees, Sub-Committees etc.	} }
96(1) & (2) 225(1)	Notice of pecuniary interest Deposit of Documents	} } }
		Director of Resources,
Schedule 14, Pt. 2 Para. 25(7) 229(5) 238	Certification of Resolutions Photographic copies of documents Evidence of Byelaws	} } } }
115(2) 146	Accountability of Officers Transfer of securities on alteration of area	} } }
		Director of Resources
151	Financial administration	} }
		Finance Director

<u>Section</u>	<u>Purpose</u>	<u>Proper Officer</u>
	Notifiable diseases and food poisoning	} Director of Public Health?
Schedule 22, Para.17	Authentication of orders and notices, etc under the Housing Act	For such matters as he is authorised to deal with by the Council's Scheme of Delegation to Officers the Director of Education and Care Services , otherwise the Director of Resources
Sections 28 and 29	Regulation of Investigatory Powers Act 2000	Director of Resources
Section 29(b)	- ditto -	Director of Resources to have general oversight of the use made of the source in respect of covert human intelligence sources.
Sections 29 (a), (c), (d) and (e)	- ditto -	Chief Planner, Director of Education and Care Services , Director of Environmental Services, Finance Director and Head of Audit to have day-to-day responsibility for Sources and responsibility for the security and welfare of Sources.

(2) For all other functions the 'proper officer' shall be the Officer authorised in accordance with the Council's Scheme of Delegation to Officers or, where none is specified, the Chief Executive.

(3) Where written evidence of any such appointment as aforesaid is required the Chief Executive is hereby authorised to issue it, save for evidence of the appointment of the Chief Executive which will be issued by the Director of Resources.

PART I

GENERAL CONDITIONS GOVERNING DELEGATION OF FUNCTIONS TO CHIEF OFFICERS

	Responsibility Delegated from
1. These General Conditions and any amendment of or addition to made by the Council, shall apply to the delegation of functions specified in Part II of this document, and to any amendment of or addition to made by the Council or the Leader or the Monitoring Officer under paragraph 12 of this Part.	-
2. Powers delegated shall be exercised in conformity with the Constitution, Standing Orders, Financial Regulations and other directives of the Council in force from time to time, and in accordance with the expressed policies and objectives of the Council, the Executive or Committees relevant to the matter upon which action is to be taken.	-
3. The delegation of authority to deal with any matter shall not derogate from the power of the Council, the Executive, or Committee, Sub-Committee or Panel to call for a report on any decision or action taken, or to require any such matter under consideration to be referred to the Council or to the appropriate Executive body or Committee Sub-Committee or Panel for determination so far as this accords with the law.	Council/Leader
4. A Chief Officer may refer a matter to the Executive, the appropriate Executive Portfolio Holder or to the Chairman of an appropriate Committee and will, in any event, ensure that care is taken to identify any case within his delegated authority where unusual circumstances or other reasons suggest the desirability of Member consideration.	Council/Leader
5. If a matter involves considerations not within the purview of the Chief Officer primarily concerned, he shall consider whether it is necessary to consult any other Chief Officer concerned before authorising action, shall do so if he concludes it is necessary and shall take due account of any views that are expressed.	Council/Leader
6. When the implementation of a decision taken under the delegated authority by a Chief Officer requires the preparation of formal documents, legal proceedings or other legal process or advice, the Chief Officer concerned shall refer the matter to the Director of Resources for appropriate action.	Council

<p>7. Authority to take decisions and other action including but not limited to the signing of documents and the requirement to arrange consultations shall be exercised and undertaken on behalf of the Council in the name of the Chief Officer to whom the authority to act is given, but not necessarily personally by him.¹ Therefore, under this condition each Chief Officer has power to authorise others to exercise any power conferred on him provided that any such authorisation shall be subject to these General Conditions and be commensurate with the nature of the matters to be dealt with. Further, the Chief Executive may authorise any other Chief Officer to exercise any power delegated to him in this scheme which in his judgement is consistent with that other officer's responsibility. Authorisations given by Chief Officers to others to exercise powers delegated under this scheme should be recorded in writing in a list maintained by each Chief Officer. This shall be taken to mean that, provided a Chief Officer has authorised the person making a decision on his behalf to act, that person may sign in his own name or in his Chief Officer's name when he makes that decision.</p>	<p>Council/Leader</p>
<p>8. The Chief Executive may, after consultation with any Chief Officer, refer to the Executive, the appropriate Executive Portfolio Holder, or appropriate Committee for decision any matter which has been brought to his notice and which, in his opinion, because of special difficulty or otherwise, warrants such reference.</p>	<p>Council/Leader</p>
<p>9. For the purposes of these General Conditions and the general and specific authorities to act to which they apply, the expression 'Chief Officer' shall mean:- The Chief Executive, the Director of Resources, the Director of Education and Care Services, the Director of Environmental Services, the Director of Renewal and Recreation, the Assistant Chief Executive, Human Resources, the Finance Director and the Chief Planner.</p>	<p>Council</p>
<p>10. Reference to an enactment in a grant of delegation shall be deemed to extend to and include reference to any subsequent enactment having like or similar effect as though the delegation had been granted under the subsequent enactment.</p>	<p>Council/Leader</p>
<p>11. An officer exercising any power under this scheme of delegation shall ensure that some written or other permanent record is made of his decision and, in cases where a range of alternative decisions presented themselves, shall record why he made the particular decision.</p>	<p>Council/Leader</p>

¹ This shall be taken to mean that, provided a Chief Officer has authorised the person making a decision on his behalf to act, that person may sign in his own name or in his Chief Officer's name when he makes that decision.

<p>12. For the avoidance of doubt, the Council and the Leader hereby declare that any exercise of a power by a Chief Officer, or an officer authorised by him and which, if expressly provided for by this Scheme of Delegation, could have been lawfully exercised by an officer under powers delegated to him by the Council or a Committee, shall be deemed to be authorised by this Scheme notwithstanding such express provision may not have been made in it; PROVIDED THAT, where an officer relies on this paragraph, the Monitoring Officer shall be informed by the officer of this action and the Monitoring Officer shall make a report on the matter to the next ordinary meeting of the Council.</p>	<p>Council/Leader</p>
--	-----------------------

PART II

Subject to the foregoing, and without derogation from the powers or duties now or hereafter conferred or imposed upon officers of the Council, by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or Executive body or any Committee shall be delegated as follows:-

A. GENERAL AUTHORITIES	Responsibility Delegated from
<p>1. To each Chief Officer Authority to:-</p> <p>(i) Take all necessary action for the effective day-to-day management, administration and supervision of their Department and of the services for which they are responsible, and for the efficient discharge of the professional responsibilities of their office.</p> <p>(ii) Within budgetary provision, take all necessary action for the effective day-to-day management, administration and supervision of the land and buildings for which they are responsible, such action to include for each property concerned and as far as practicable</p> <ul style="list-style-type: none"> (a) proper documentation; (b) appropriate occupation; (c) maintenance to retain value; (d) security and satisfactory appearance; (e) an annual review to ensure property is still required; and (f) prompt release if surplus to requirements. <p>(iii) That all powers delegated to Chief Officers include authority to take action in respect of any London Residuary Body matter transferred to Bromley by virtue of the London Residuary Body (Transfer of Property etc) Order 1990 in the same way and to the same extent that they have delegated powers in respect of any equivalent Bromley matters.</p> <p>(iv) Incur expenditure and accept tenders for items provided for in the approved revenue estimates or approved capital programme, in accordance with the Council's Contract Procedure Rules.</p> <p>(v) Select quotations and tenders for works, services and/or goods within approved budgetary provision on all contracts in accordance with the Council's Contract Procedure Rules.</p> <p>(vi) On the best terms obtainable, dispose of stores, plant, vehicles, equipment, furniture or other such items which are obsolete, or are unusable for or surplus to the Council's</p>	<p>Council/Leader</p> <p>Council/Leader</p> <p>Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Leader</p>

requirements, subject to the Director of Finance's prior agreement to any consequential writing off of balances of book value.	
(vii) Make adjustments of stock ledgers and accounts following stocktaking, subject to the Director of Resources' prior agreement.	Leader
(viii) Authorise officers under their control to attend conferences, courses and similar events appropriate to their personal, official responsibilities and to the work of the particular Department, in accordance with an approved list or agreed code of practice.	Council/Leader
(ix) Vary annually fees and charges (except car parking) within policy established by an Executive body or Committee.	Council/Leader
(x) Deal with applications for re-grading in accordance with the Council's agreed procedures.	Council
(xi) Sign authorisation documents, with the exception of the Chief Officer's own personal authorisation, which shall be signed by the Director of Resources.	Council
(xii) Where a complaint has been made through the Council's complaints system, decide whether there is a justifiable case for which the Council should apologise and pay compensation, up to a limit of £5,000 in any one case (or, in the case of the Chief Executive, £10,000).	Council/Leader
(xiii) Approve trips to EU countries made on Council business subject; in each case, to a subsequent report to the appropriate Executive body or Committee on the action taken.	Leader
(xiv) Enter into contracts with any voluntary sector organisation (VSO) for the provision of services by way of a service level agreement (SLA) without the necessity of competition, provided that:	Council/Leader
(1) the Chief Officer is satisfied that the VSO is able to provide a satisfactory quality of service and that the sums payable under the SLA represent best value;	
(2) the relevant Portfolio Holder is notified of any new SLAs being entered into;	
(3) any approval, extensions or renewals of such SLAs comply with the provisions of rule 13.1 of the Contract Procedure Rules;	

<p>2. To the Chief Executive Authority to:-</p> <p>(i) undertake all duties and responsibilities of the Council's Head of Paid Service as defined in the Local Government and Housing Act 1989;</p> <p>(ii) take all action necessary for the efficient management and execution of the Council's policies, services and functions;</p> <p>(iii) determine in conjunction with the Assistant Chief Executive - Human Resources, starting salaries of staff on Management Grades 1 and 2;</p> <p>(iv) authority to make detailed arrangements, in consultation with the Leader of the Council, for consultation with residents on service priorities and Council Tax implications.</p> <p>In exercising such authority the Chief Executive shall have full regard to the position where:-</p> <p>(a) Chief Officers are exercising responsibilities directly imposed on them by statute; or</p> <p>(b) the professional discretion or judgement of Chief Officers is involved subject to any difference of opinion between the Chief Executive and the Chief Officer being referred to the next available appropriate meeting of the Executive Portfolio Holder, Executive or committee for determination;</p> <p>(v) settle any points requiring interpretation or clarification in the practical application of this code of delegated authorities to Chief Officers.</p> <p>(vi) Parliamentary Matters - Take urgent action to protect the Council's interest (through Members of Parliament and/or by petition or otherwise) in consultation with the Leader of the Council.</p> <p>(vii) Electoral Fees - To approve the annual revision of the scale of fees within the approved estimate provision, payable to canvassers, checkers and coders.</p>	<p>Council</p> <p>Council/Leader</p> <p>Council</p> <p>Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Council</p>
---	--

<p>3. To the Director of Resources Authority to:-</p>	
<p>(i) authorise proceedings before any Court of Summary jurisdiction in respect of any offence for which the Council by virtue of any Act of Parliament; , regulation, order or bye-law, is now or may hereafter be empowered to prosecute or to authorise the institution of such proceedings; except in cases where some other officer is specifically authorised to act;</p>	Council/Leader
<p>(ii) authorise proceedings for the recovery of debts of all kinds due to the Council (other than rates) and for the recovery of possession of premises;</p>	Council/Leader
<p>(iii) authorise the institution or defence of proceedings in the Courts to safeguard the Council's interest;</p>	Council/Leader
<p>(iv) obtain Counsel's Opinion to ensure adequate advice to the Council or Committees;</p>	Council/Leader
<p>(v) in accordance with instructions given, institute or defend any legal proceedings authorised to be taken or defended on behalf of the Council, or serve notices, including directions under section 77 of the Criminal Justice and Public Order Act 1994;</p>	Council/Leader
<p>(vi) take any action urgently required to settle legal proceedings during the course of a trial or other hearing;</p>	Council/Leader
<p>(vii) authorise permanent or temporary members of staff to represent the Council under Section 223 of the Local Government Act 1972 in proceedings before a Magistrates' Court or a Juvenile Court or Family Proceedings Court and under Section 60(2) of the County Courts Act 1984 to represent the Council in the County Court;</p>	Council
<p>(viii) issue written authorities to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties (as evidence of their bona fides); provided that any written authority to enter upon land or premises is in pursuance of a statutory power of entry or inspection;</p>	Council/Leader
<p>(ix) sign and serve on behalf of the Council notices authorised by statute to ascertain ownership and other interest in land;</p>	Council
<p>(x) sign and approve service of Notices to Treat in pursuance of confirmed compulsory purchase orders and, where possession is required without waiting for settlement of terms of acquisition, sign and approve the service of Notices of Entry;</p>	Leader
<p>(xi) approve the assignment of contracts;</p>	Council/Leader

<p>(xii) take appropriate action in individual cases to enable him to effect registration as a registered charge of any local land charge arising by virtue of the statutory provisions set out below, or as amended in subsequent legislation:</p>	
<p>(1) the Housing Act 2004;</p>	Leader
<p>(2) Public Health Act 1936, Section 291;</p>	
<p>(3) Building Act 1984, Section 107;</p>	
<p>(4) Greater London Council (General Powers) Act 1972, Section 19; and</p>	
<p>(5) Highways Act 1980, Section 212;</p>	
<p>(xiii) deal with applications for the use of the Borough Arms in accordance with arrangements as approved by the Committee;</p>	Council
<p>(xiv) allocate the use of the Committee Suite subject to new applications for use by outside bodies being decided in consultation with the Leader of the Council;</p>	Leader
<p>(xv) allocate and re-allocate existing offices, subject to reference to the Leader of the Council or the Committee in cases of significant changes involving transfer of a department or service from one part of the Council to another;</p>	Leader
<p>(xvi) authorise expenditure from the office improvements budget;</p>	Leader
<p>(xvii) to act as Monitoring Officer;</p>	Council
<p>(xviii) to maintain a Register of Members' Interests under Section 81 of the Local Government Act 2000;</p>	Council
<p>(xix) to sign Chief Officer's authorisation documents;</p>	Council
<p>(xx) determine, in consultation with the relevant Chief Officer, where a complaint has been made to the Ombudsman whether there is a justifiable case for which the Council should apologise and pay compensation as part of a local settlement – up to a limit of £5,000 in consultation with the Director or £10,000 in consultation with the Director and Chief Executive;</p>	Council/Leader
<p>(xxi) take any action urgently required to settle legal proceedings prior to a court hearing or to enter into a Compromise Agreement in potential Employment Tribunal cases where it is considered appropriate so to do;</p>	Council/Leader
<p>(xxii) to be the proper officer for, and issue any notice, permission, authorisation or other document under, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000;</p>	Leader

<p>(xxiii) to maintain a list of politically restricted posts under Section 2 of the Local Government & Housing Act 1989 and consider and grant exemptions under Section 3 of the Act;</p> <p>(xxiv) to authorise payments in respect of maladministration under Section 92 of the Local Government Act 2000.</p>	<p>Council</p> <p>Council/Leader</p>
<p>4. To the Director of Education and Care Services , authority to:-</p> <p>Negotiate schedules of rates and other contractual provisions with registered residential and nursing home providers and/or care service providers to facilitate client choice within community care legislation. Clients should be directed to providers on such Approved Lists although the Director may agree to placement with a non approved provider provided that</p> <p>(i) the clients' choice is appropriate to their needs and</p> <p>(ii) the client meets the relevant eligibility criteria</p> <p>(iii) the costs fall within the rates accepted by the Council for accommodation and/or care for clients with their specific eligibility or a third party has entered into a binding contract with the provider and Council to meet any difference</p> <p>(iv) as far as possible inflationary increases in such rates should be negotiated at the outset.</p>	<p>Leader</p>

B. AUTHORITIES RELATED TO THE FUNCTIONS OF INDIVIDUAL PORTFOLIO HOLDERS AND COMMITTEES

KEY REFERENCES TO OFFICERS

All	-	Chief Officers
CE	-	Chief Executive
DR	-	Director of Resources
DECS	-	Director of Education and Care Services
DES	-	Director of Environmental Services
DRR	-	Director of Renewal and Recreation
ACE-HR	-	Assistant Chief Executive, Human Resources
CP	-	Chief Planner
FD	-	Finance Director

DEVELOPMENT CONTROL COMMITTEE

Officer(s) Authorised	Authority to:	Responsibility Delegated from
Building Regulations		
CP	(1) Give consents where applications conform with Regulations.	Leader
CP	(2) Refuse applications which do not conform with Regulations.	Leader
CP	(3) Decide applications for relaxation where the Council have the power of decision.	Leader
CP	(4) Decide upon the observations to be made to the appropriate Minister with applications for relaxation of the Regulations.	Leader
DR/CP	(5) Authorise and serve notices under Section 36 of the Building Act 1984 and the current Building Regulations.	Leader
DRR	(6) The Director of Renewal and Recreation be authorised to amend the building control fees as required with the aim of ensuring the service is provided on a cost recovery basis in line with the 2010 Building (Local Authority Charges) Regulations and to change staffing levels to reflect changes to activity volume as required.	Leader
CP	(7) To be designated as "Appointing Officer" under Section 10 (8) of the Party Wall etc Act 1996 and have delegated power to act in that capacity.	Leader
Dangerous Structures		
CP	(8) Take appropriate action in respect of dangerous structures as set out in sections 60-70, 125, 126, and 142 of the London Building Acts (Amendments) Act 1939 Part VII including the removal of any danger where immediate action is required.	Leader

CP	(9)	To make appropriate charges regulations for dangerous structures as provided for within the relevant sections of the following Acts – London Building Acts (Amendment) Act 1939: Part VII. London County Council (General Powers) Act, 1955: Part II (including section 9 (power of entry with respect to dangerous and neglected structures). London County Council (General Powers) Act, 1958: Part III. London Local Authorities Act 1994.	Leader
CP	(10)	To operate the new scale of fees for dangerous structure activities and to waive the fees in case of extreme hardship.	Leader
CP	(11)	Authorise and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to obtain particulars of persons interest in land and where there is default in compliance with any such notice refer the matter to the Director of Resources to consider taking legal proceedings.	Council

Operation of Tree Preservation Orders

CP	(12)	Consent with or without conditions, or refuse consent to the pruning, cutting down, topping, lopping or destruction of trees which are the subject of Tree Preservation Orders in accordance with the provisions of such orders.	Council
CP	(13)	Consent with or without conditions to the pruning, cutting down, topping, lopping or destruction of trees within designated Conservation Areas.	Council
CP	(14)	The making of Tree Preservation Orders and provisional TPOs Section 198 and 201 of the Town & Country Planning Act 1990, including the making of TPOs in Conservation Areas.	Council

CP	(15)	Confirm opposed or unopposed TPOs.	Council
CP	(16)	Agree to the revocation of TPOs.	Council
CP	(17)	Issue tree planting notices.	Council
CP	(18)	Enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981.	Council
CP/DR	(19)	Authorise legal proceedings to be taken in respect of breaches of TPOs and the legislation relating to trees in Conservation Areas, subject to the Director of Resources being satisfied as to the evidence.	Council
Determination			
CP (Subject to consultation with DR)	(20)	Determine applications for certificates of lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.	Council
CP (Subject to consultation with DR)	(21)	Determine applications for certificates of lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.	Council
CP	(22)	Deal with applications for determination of the Council's prior approval for demolition of dwellings and buildings attached to dwellings except for the authorisation of any Article 4 direction.	Council
CP	(23)	Determine applications for hazardous substances consent.	Council
CP	(24)	The power to grant outline or full planning permission, approve details, give advertisement, listed buildings, or conservation area consent, with or without conditions to planning applications or proposals excluding those in the following categories:	Council
		(i) Council proposals as defined by the Town & Country Planning General Regulations 1992 (but not details pursuant, revised plans and proposals to renew deemed permissions).	Council

		(ii) Permission to applications involving three or more purpose-built new dwellings (but not other associated buildings, conversions, extensions and changes of use, details pursuant, revised plans and renewal permission applications.	Council
		(iii) Permissions to applications for new commercial development such as industry, offices and shops (but not other associated buildings, conversions, extensions and change of use, details pursuant, revised plans and renewal applications).	Council
		(iv) Applications submitted by members of staff in the Planning Division, or other Chief Officers, or submitted by or on behalf of Bromley Councillors or Members of Parliament.	Council
		(v) Applications and other matters which one or more Members formally request are put before a Committee or Sub-Committee of Members.	Council
CP	(25)	The power to:	
		(i) refuse planning permission;	Council
		(ii) refuse express consent for advertisements;	Council
		(iii) refuse Listed Building Consent;	Council
		(iv) not approve details submitted pursuant to a condition of a permission or consent;	Council
		(v) refuse revisions and amendments to plans and to specify reasons for so doing whatever representations are received for or against the application;	Council
		(vi) provide grounds of appeal and contest all appeals;	Council
		(vii) observations on proposals for development by Government departments or in adjoining authority	Council

areas which would otherwise fall within the delegated categories.

CP /DR	(26)	Power to authorise the issue of the following (the signing and actual issue of the notices to be dealt with by the Director of Resources):	
	(i)	Enforcement Notices under Section 172 of the Town & Country Planning Act 1990.	Council
	(ii)	Stop Notices under Section 183 of the Town & Country Planning Act 1990.	Council
	(iii)	Completion Notices under Section 94 of the Town & Country Planning Act 1990.	Council
	(iv)	Unopposed revocations under Section 97 of the Town & Country Planning Act 1990 and Section 239 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
(with DR)	(v)	Section 106 Agreements (Town & Country Planning Act 1990) and similar agreements concerning related legislation.	Council
	(vi)	Orders under Section 102 Town & Country Planning Act 1990 requiring discontinuance of use, or alteration, or removal of buildings and works.	Council
	(vii)	Unopposed revocations of Listed Buildings Consent under Section 23 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
	(viii)	Notices under Section 54 and 55 of the Planning (Listed Building & Conservation Areas) Act 1990 concerning urgent works and recovery of expenses.	Council
	(ix)	Making and recovery of grants under Section 57 and 58 of Planning (Listed Building & Conservation Areas) Act 1990.	Council

- | | | |
|--------|---|---------|
| (x) | Listed Building Enforcement Notices under Section 38 of the Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (xi) | The enforcement of advertisement control. | Council |
| (xii) | The authorisation of Rights of Entry to premises and any land for all the purposes of the Town & Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Building Act 1984 (all these Acts as amended) and any Orders or Regulations made there under. | Council |
| (xiii) | The power to require information as to interests in land under Section 330 of the Town & Country Planning Act 1990. | Council |

and to give reasons in the Notice or Order for taking such action; such action in respect of (i) (ii) (iii) (vi) (x) to be reported to the next available meeting of the Plans Sub-Committee or Development Control Committee.

- | | | |
|-------|---|---------|
| (xiv) | Planning Contravention Notices under Section 171C of the Town & Country Planning Act 1990 | Council |
| (xv) | Breach of Condition Notices under Section 187A of the Town & Country Planning Act 1990 | Council |

Subject to agreement by the Director of Resources, the service of the notices under 21(xiv) and (xv) being reported to the next available meeting of the Plans Sub-Committee or Development Control Committee.	Council
--	---------

CP

- | | | |
|------|--|---------|
| (27) | The power to: | |
| (i) | give directions and notifications under Regulation 4 of the Town & Country Planning (Applications) Regulations | Council |

1988 and Article 7 of the Town & Country Planning General Development Order 1988 to require applicants to submit further information to enable the Council to deal with an application or to verify any particulars;

- | | | |
|--------|--|---------|
| (ii) | make determinations as to whether planning applications are departures from the development plan; | Council |
| (iii) | make determinations as to whether development would affect the character or appearance of a conservation area or the setting of a listed building to enable such applications to be advertised; | Council |
| (iv) | make determinations under Section 73 of the Planning (Listed Building & Conservation Areas) Act 1990 as to whether a proposal should be advertised as affecting the character or appearance of the Listed Building or Conservation Area; | Council |
| (v) | determine whether prior approval of the method of demolition and any proposed restoration is required in accordance with Part 31 of Schedule 2 of the Town & Country Planning General Development Order 1988 (as amended); | Council |
| (vi) | approve or not approve the details referred to in (v) above; | Council |
| (vii) | determine whether in a particular case details of siting and appearance of certain telecommunications apparatus are required and to determine such details submitted. | Council |
| (viii) | determine applications for non-material amendment to planning permission, minor material amendments to planning permission and extensions to time limits of existing planning permissions. | Council |

Notes:

- (i) No decision will normally be issued within 4 weeks of the date of the weekly listed supplied to Members.
- (ii) In relation to paragraph 19(ii) above the definition of “dwelling” includes bungalows, flats, maisonettes and multi-occupied premises.
- (iii) “Details” as mentioned herein include siting, design, external appearance, materials, car parking, landscaping, site lines, access, levels and drainage.
- (iv) The Chief Planner will continue long established practice to deal administratively with very minor revisions, details, without formal registration, circular consultations or consultations from adjoining boroughs.

Means of Escape in Case of Fire

CP	(28)	Decide what means of escape in the case of fire are necessary at premises to which the Housing Acts 1985 and 2004 and Sections 24 and 71 of the Building Act 1984 apply; and serve a notice under those sections where these means are not provided.	Leader
----	------	--	--------

Buildings of Special Architectural or Historic Interest

CP	(29)	Approach the Department of the Environment to spot list properties on the list of buildings of special architectural interest if they are threatened.	Leader
----	------	---	--------

Repeat Planning Applications

CP	(30)	Authority to decline to determine repeat applications in accordance with the provisions of Section 70(a) of the Town & Country Planning Act 1990.	Council
----	------	---	---------

Agricultural Buildings/Private Way

CP	(31)	Authority to determine under the Town & Country Planning General Development (Amendment No.2) Order 1991 whether the prior approval of the Local Planning Authority	Council
----	------	---	---------

is required to the siting, design and external appearance of agricultural and forestry buildings, or the siting and means of construction of a private way and, where an application is required, to determine such application.

Control of Unauthorised Advertisements

CP	(32)	Authority to take action under Sections 10-12 of the London Local Authorities Act 1995 relating to the control of unauthorised advertisements.	Council
----	------	--	---------

Untidy Site Notices

CP	(33)	Authority to issue Untidy Site Notices under Section 215 of the Town & Country Planning Act 1990, with such decisions being reported to the next available meeting of Plans Sub-Committee for information.	Council
----	------	--	---------

**EDUCATION PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:-	Responsibility Delegated from
DECS	(1) Ensure that the powers and duties to provide for the welfare and protection of children and young people are carried out in accordance with statutory requirements and Council policy.	Leader
DECS	(2) Provide preventative services and support for the care of mothers and young children.	Leader
DECS	(3) As Head of the Adoption Agency set up by the local authority, ensure that the agency and the Adoption Panel functions in accordance with statutory requirements, save that this does not include a power to increase fostering allowances which exceed inflation.	Leader
DECS	(4) Direct the Authority's functions in its capacity as a local education authority, except those excluded under section 18(3) of the Act (namely certain functions relating to further education, higher education and adult education).	Council/Leader
DECS	(5) Direct the Authority's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children and the Local Authority's functions for children and young people leaving care.	Council/Leader
DECS	(6) Direct any health-related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to children.	Leader
DECS	(7) Direct the new functions of the Children's Services Authority set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation.	Council/Leader
DECS	(8) Make and sustain arrangements to promote co-operation between the Authority and its partner organisations to improve the well-being of children in the Authority's area.	Leader

DECS	(9)	Maintain the database of basic information on all children in the Authority.	Leader
DECS	(10)	Maintain the Local Safeguarding Children Board, (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Authority's area.	Leader
DECS	(11)	Prepare and publish a Children and Young People's Plan (CYPP) to set out the Authority's strategy for discharging their functions in relation to children and young people.	Council/Leader
DECS	(12)	Co-ordinate statements of proposed action in light of a Joint Area Review report, in consultation with partners. The DECS will also exercise a key role in monitoring and evaluating implementation of the proposed action.	Leader
DECS	(13)	Second at least one children's social worker and at least one education professional to the Youth Offending Team.	Leader
DECS	(14)	Promote the educational achievement of looked after children.	Leader
DECS	(15)	Provide the Secretary of State, if he so directs the Authority, with information on individual children.	Leader
DECS	(16)	Interpret conditions of service and all related matters for all teaching staff and non-teaching staff in schools in consultation with the Assistant Chief Executive (Human Resources) where these concern matters which remain to be set by the LEA.	Council
DECS	(17)	Implement payment of teachers' pay awards and secure the LEA's responsibilities as the Relevant Body under the School Teachers' Pay and Conditions.	Council
DECS	(18)	Subject to any existing right of appeal to an Appeals Panel, to suspend, relegate or dismiss school based employees on all grades under the Education Act 2002 and any Regulations made there under.	Council

DECS	(19)	Review and fix, subject to provision of the approved estimates, the establishment of employees at all maintained educational services not covered by a scheme of local management.	Council
DECS	(20)	Exercise all of the statutory functions of the LEA as regards staffing matters in LEA maintained schools as provided for under the Education Act 2002 and any Regulations made there under with the exception of any exercise of discretion concerning the funding of discretionary early retirement with added years or redundancy costs which fall to be determined by the Executive Portfolio Holder.	Council
DECS	(21)	Manage the provision of training and support to the Education Service.	Council/Leader
DECS	(22)	Approve requests from employees in all maintained educational institutions for special leave in accordance with the Council's policy.	Council
DECS	(23)	Approve the payment of relocation and removal expenses to employees in all maintained educational institutions in accordance with the scheme agreed by the Executive Portfolio Holder.	Council
DECS	(24)	Approve payment of grants to individuals and organisations in accordance with the Executive's policy.	Leader
DECS	(25)	Agree annually increases in charges for service within the remit of the Executive Portfolio Holder.	Leader
DECS	(26)	Manage the admissions procedure in accordance with the Executive's policy.	Leader
DECS	(27)	Approve the placing of children with special educational needs in suitable schools as specified in a statement and including day, residential, independent and non-maintained special schools and special schools maintained by other authorities.	Leader
DECS	(28)	Arrange for home or hospital tuition in appropriate cases.	Leader
DECS	(29)	Fix school terms and holiday dates in consultation with teachers' organisations.	Leader

DECS	(30)	Make arrangements for transport of pupils.	Leader
DECS	(31)	Provide support services as requested by establishments.	Leader
DECS	(32)	Approve the provision of free meals, essential clothing, school uniform and educational maintenance grants in accordance with approved scales.	Leader
DECS	(33)	Approve applications for children to be employed in work or in entertainment, in conformity with relevant bye-laws and statutory obligations.	Leader
DECS	(34)	Take all action including services of notices, consultation, making and service of school attendance orders and to authorised institute and conduct legal proceedings under Sections 437, 438, 439, 440, 441, 443 and 444 of the Education Act 1996 and to make decisions relating to applications for Education Supervision Orders under Section 447 of the Education Act 1996	Leader
DECS	(35)	Approve the making of parenting contracts, parenting orders and the issue of penalty notices under Sections 18 and 23 of the Anti-Social Behaviour Act 2003.	Leader
DECS	(36)	Approve the issue of mini bus passes under Section 19 of the Transport Act 1985.	Leader
DECS	(37)	Undertake the duty of the local education authority with regard to exclusions as specified by Section 67 of the School Standards and Framework Act 1998.	Leader
DECS	(38)	Initiate renewals of temporary planning permissions.	Leader
DECS	(39)	Authorise a fee remission policy for instrumental music tuition provided by Bromley Youth Music Trust in consultation with the Trustees.	Leader
DECS	(40)	Authorise work by the Standards and Effectiveness Services on behalf of other Local Authorities, foundation schools (both within and outside the Borough) and independent schools in accordance with the principles and procedures set out by the Council.	Leader
DECS	(41)	In cases of urgency seek planning permission for mobile accommodation at primary and secondary	Leader

schools in accordance with Regulation 3 of the Town & Country Planning General Regulations Act 1992 on the understanding that a full explanation for the need will accompany each application.

DECS	(42)	To act in support of the Borough's Major Incident Controller in respect of emergency accommodation, provisions and staffing.	Council/Leader
DECS	(43)	Approve, after consultation with the Director of Resources and the Head of Valuation and Estates, leasing arrangements in respect of educational premises where the terms of the lease or agreement do not exceed five years without a break clause.	Leader
DECS	(44)	In consultation with the Director of Resources and Assistant Chief Executive, Human Resources, interpret and apply the provisions of the Teachers' Pension Scheme Regulation in respect of current and ex employees where the LEA is deemed to be the employer for pension purposes.	Council
DECS	(45)	Agree teachers' applications for early retirement without enhancement by way of added years.	Council
DECS	(46)	Approve the appropriate use of the Priority Schools Budget, Schools Budget Central Contingency as approved by the School's Forum subject to their use being monitored by the budget review process and the relevant consultation with the School's Forum.	Leader
DECS	(47)	Approve the arrangements for teachers who are to be awarded qualified teacher status after 7 th May 1999 to undertake an induction period in accordance with the provision of any regulations laid down by the Secretary of State and subsequent amendments; to grant extensions of the induction period as specified in the regulations and determine whether or not an induction period has been completed satisfactorily.	Council
DECS	(48)	Decide on action in response to individuals OFSTED reports and, when the circumstances of the report are exceptional, submit the report to the Portfolio Holder for detailed consideration.	Leader

**PUBLIC PROTECTION & SAFETY PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:	Responsibility delegated from
DR (1)	In consultation with the Director of Environmental services, prosecution of offences for the selling of spray paint and graffiti implements to children under 16 under the Anti-Social Behaviour Act Section 54 and Environmental Protection Act 1990 Section 59.	Leader
DES (2)	The issue of fixed penalty notices to abate noise under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2.	Council
DES (3)	Enforcement of by-law breaches under the London Local Authorities' Act 2004.	Council
DR (4)	In consultation with the Director of Environmental Services, make parenting contracts and parenting orders in respect of criminal conduct and anti-social behaviour under sections 25 and 26 of the Anti-Social Behaviour Act 2003.	Leader
Fireworks		
DES (5)	The grant of new applications and the renewal of a licence to retail fireworks outside prescribed periods in cases where (in the latter case) the applicant has not committed any offence prescribed in the Fireworks Regulations 2004 during the licence period.	Leader
Environmental Health/Weights and Measures/Consumer Protection		
DES (6)	Carry out the Council's functions with regard to weights and measures and other relevant trading standards and consumer protection legislation.	Leader
DES (7)	Administer the legislation listed in Part I of Appendix C of the report of the Director of Environmental Services to Environmental Services Committee on 7 th June 2000, (as updated at appendix A to this scheme) with the exception of any provision delegated exclusively by statute to another person or body, or any provisions the administration of which have already been delegated within this Authority.	Council/Leader

DES	(8)	Carry out the Council's functions with regard to public health, environmental protection control of pollution, food safety and quality, health and safety at work, pest control, communicable disease control, animal welfare, water supply and water quality, young persons and tobacco and other relevant environmental health legislation.	Council/Leader
DES	(9)	Institute enforcement action and, subject to the Director of Resources being satisfied with the evidence in each case, legal proceedings, in respect of (6) and (7) above.	Council/Leader
DES	(10)	Authorise employees and, where appropriate, inspectors to carry out functions in relation to (6) and (7) above.	Council/Leader
DES	(11)	Authorise employees to sign statutory notices in respect of functions relating to (6) and (7) above.	
DES	(12)	Authorise persons other than employees of the Council for the purposes of providing specialist advice and support in relation to (6) and (7) above.	Council/Leader
DES	(13)	Grant, renew or transfer (but not refuse or revoke) licences, registrations and authorisations relating to food safety, animal welfare, special treatments, public entertainment, late night refreshment, nurses agencies, caravan sites, environmental protection and Houses in Multiple Occupation.	Council
DES	(14)	Refuse an occasional public entertainment licence (excluding pop concerts) under the London Government Act 1963.	Council
DECS	(15)	Manage caravan sites owned by the Council.	Leader
DECS/ ADSP/DES	(16)	Carry out the Council's functions under S.16 of the Local Government (Miscellaneous Provisions) Act 1976 and authorise officers to serve notices under S.16 of the Act.	Council
DES	(17)	Discharge functions relating to the detainment, examination and seizure of food under the Food Safety Act 1990 both within the Borough and in all local authorities in England and Wales where reciprocal arrangements exist. (In addition all local authorities in England and Wales are authorised to discharge the above functions within Bromley Borough.)	Council/Leader

DES	(18)	Take action under the Fire Safety and Safety at Places of Sport Act 1987 to approve but not refuse applications for certificates or licences under the Act.	Council
DES	(19)	Employ veterinary surgeons in conjunction with the Council's functions under diseases of animals, animal welfare and other related legislation.	Council/Leader
DES	(20)	Authorise persons as competent engineers under Section 31 of the GLC (General Powers) Act 1973.	Council
DES	(21)	Carry out the Council's functions under Sections 27 and 29 to 32 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of blocked and defective drains and securing of buildings.	Leader
DES	(22)	Waive the standard fees in respect of occasional licences for music, dancing or plays where the organisations which will provide such entertainment are doing so for: <ul style="list-style-type: none"> (a) educational purposes (b) in support of a registered charity; or (c) non profit making fund raising or similar activity except in the case of pop concerts and open air discos. 	Council
DES	(23)	Approve payment of compensation under the Public Health (Control of Diseases) Act 1984.	
DES	(24)	Administer the registration system pursuant to Part V of the London Local Authorities Act 1995 (registration of door supervisors), including refusal of registration of a door supervisor.	Council
DES	(25)	Authorise competent Council officers to act under the provisions of the Health Act 2006, Schedule 2 (powers of entry) and Section 9 (fixed penalty notices).	Leader
DES	(26)	Act as the "Proper Officer" under the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008 and appoint officers from the Council, Health Protection Agency or other organisations as necessary to exercise specific functions and powers as given to them (as set out in Appendix B to this scheme.)	Leader

Regulation of
Investigatory
Powers

DES (27) Authorise action under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000. Leader

**ENVIRONMENT PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) authorised	Authority to:	Responsibility delegated from
New Streets		
DES	(1) Decide the question of liability or exemption under the Advance Payments Code, including decision on the amount of the payment to be made other than determinations under Section 219(4)(h) of the Highways Act 1980.	Leader
DES	(2) Agree requirements in relation to new street construction in planning applications.	Leader
DR	(3) On recommendation of the Director of Environmental Services negotiate and complete agreements under Section 38 of the Highways Act 1980 for the construction of new streets.	Leader
Private Street Works		
DES	(4) Provide street trees where appropriate under Section 2 of the Local Government Act 2000.	Council/Leader
DR	(5) Sign and serve demands for payment under Sections 204-206 of the Highways Act 1980.	Leader
DR	(6) Enter into agreements permitting frontagers to pay by instalments.	Leader
DR	(7) Refer objections to Magistrates Court for determination.	Leader
DR	(8) Arrange for the implementation of ministerial decisions on appeals by frontagers.	Leader
DES	(9) Designate the "proper officer" for the purposes of Sections 205, 210 and 211 of the Highways Act 1980.	Leader
Private Streets		
DES	(10) Within the limits of approved estimates determine priority and execute urgent repairs under Section 230 of the Highways Act 1980.	Leader

Street Naming and Numbering

CP (11) Decide action on applications for approval of intended names of streets. *Leader*

CP (12) Make and sign orders under the London Buildings Acts to give effect to decisions on naming and numbering, including renaming and renumbering. Council

Private Direction Signs

DES (13) In appropriate circumstances, approve applications, subject to suitable indemnity and on condition that signs are fixed by the Environmental Services Department at the applicant's expense. Council/leader

DES (14) In appropriate circumstances, approve applications received from the Automobile Association or the Royal Automobile Club for the erection of temporary signs. Council/Leader

Erection of hoardings and scaffolding during building operations and the temporary deposit of materials and excavation

DES (15) Operate the provision of Sections 169, 171 and 172 of the Highways Act 1980. Council

Grass Verges

DES (16) Authorise and erect notices against parking of vehicles. Leader

DES (17) Construct pedestrian access over. Leader

Overhanging Trees and Hedges

DES (18) Authorise and serve notices and take action under the Highways Act 1980, Section 154. Leader

Dangerous Trees

DES (19) Authorise and serve notices under Section 154 of the Highways Act 1980 requiring owners or occupiers to cut or fell trees that are dead, diseased or insecure and are likely to cause damage by falling on a highway or footpath. On Leader

default to carry out the work and recover the cost from the owner or occupier.

Refuse Disposal (Amenity) Act 1978 (Removal of abandoned motor cars and removal and disposal of other refuse abandoned in open air or on land forming part of highway)

DES	(20)	Authorise and serve notices, and take action under Sections 3 and 6 of the Refuse Disposal (Amenity) Act 1978.	Leader
-----	------	--	--------

DES	(21)	Remove forthwith from the highway and dispose of any vehicle obviously abandoned and ownership unidentifiable.	Leader
-----	------	--	--------

Car Parks

DES	(22)	Allow refunds on car park season tickets.	Leader
-----	------	---	--------

DR	(23)	Make supplementary orders to apply the Off-Street Parking Places Order to further parking places provided by the Council.	Leader
----	------	---	--------

DES	(24)	Accept commuted payments in lieu of car parking within a scheme approved by the Council.	Leader
-----	------	--	--------

DES	(25)	Approve and provide means of access to any premises under Section 340, Highways Act 1980.	Leader
-----	------	---	--------

DR	(26)	On the recommendation of the Director of Environmental Services and on terms negotiated, complete agreements with owners and occupiers concerned.	Leader
----	------	---	--------

DES	(27)	Vary the discount given on season tickets for drivers using the Westmoreland Road multi storey car park in the light of usage and competition.	Leader
-----	------	--	--------

Off-Street Car Parking

DES	(28)	Authority to institute proceedings for contraventions of parking orders relating to the use of off-street car parks.	Leader
-----	------	--	--------

Parking Enforcement

DES	(29)	Sign, on behalf of the Council, requests for information as to the identity of the	Leader
-----	------	--	--------

driver of a vehicle alleged to be guilty of an offence to which Section 85 of the Road Traffic Regulations Act 1967 applies, and sign notices under Sections 2 and 3 of the Road Traffic Act 1974 relating to excess parking charges.

DES	(30)	Authority to determine applications for exemption from the footway parking ban.	Leader
-----	------	---	--------

Special Parking Areas

DES	(31)	Authority to institute or contest any action or administrative proceedings arising out of contraventions of traffic management orders relating to the Special Parking Area designated pursuant of the Road Traffic Act 1991.	Leader
-----	------	--	--------

Private Sewers and Drains – Overflow Prevention

DES	(32)	Install and maintain anti-flood ball valves.	Leader
-----	------	--	--------

Temporary Direction Signs, Street Banners etc

DES	(33)	Deal with all applications for temporary direction signs, street banners, etc, including seasonal and occasional decorations.	Council/leader
-----	------	---	----------------

Sight-Lines

DR	(34)	Authorise and serve notices and act under Highways Act 1980, Section 79, to secure sight-lines recommended by the Director of Environmental Services.	Leader
----	------	---	--------

Temporary Closure of Highways

DR	(35)	Make orders for temporary closures recommended by the Director of Environmental Services	Leader
----	------	--	--------

Minor Improvements of Highways and Sewers

DES	(36)	Approve and execute minor schemes of improvement of all categories of highways and sewers maintainable at public expense, subject to all necessary consents, etc, being obtained and statutory action taken.	Leader
-----	------	--	--------

Prescription of Building Lines

DR (37)	Prescribe building lines under Highways Act 1980, Section 74 recommended by the Director of Environmental Services.	Leader
---------	---	--------

Highway Adoptions

DES (38)	After construction to his satisfaction declare streets to be highways maintainable at the public expense, and declare the associated drainage to be vested in the Council.	Leader
----------	--	--------

Public Footpaths

DES (39)	Approve the making of orders for the diversion of public footpaths where no objections are made following prior consultations with relevant owners and occupiers of land and with local and other interested organisations or statutory undertakers.	Council
----------	--	---------

DR (40)	Make orders for diversion of public footpaths approved by the Director of Environmental Services and confirm such orders where no statutory objections are made.	Council
---------	--	---------

DR (41)	The Director of Resources, in consultation with the Director of Environmental Services, to confirm:	Council
---------	---	---------

(a)	all unopposed Orders for the creation, extinguishment, stopping-up or diversion of any footpaths, bridleways and byways; and	Council
-----	--	---------

(b)	all unopposed modification Orders made under the Wildlife and Countryside Act 1981 relating to footpaths, bridleways and byways.	Council
-----	--	---------

DES (42)	Make comments, on behalf of the Highway Authority, on the diversion of footpaths or bridleways necessitated to enable development for which planning consent has been given, to take place	.Leader
----------	--	---------

Markets

DES (43)	Deal with the day-to-day supervision and management of markets.	Council
----------	---	---------

Walkways in Buildings

DR	(44)	On terms recommended by the Director of Environmental Services complete agreements for the provision of dedication of footways or walkways under the provisions of Section 35, Highways Act 1980.	Leader
----	------	---	--------

Drainage of Highways

DES	(45)	Take all action necessary for the drainage or prevention of flooding of highways under the provisions of Sections 100, 299 and 339 of the Highways Act 1980.	Leader
-----	------	--	--------

Control of Builders' Skips

DES	(46)	Operate the provisions of Section 139 and 140, Highways Act 1980 in respect of skips deposited on highways.	Council
-----	------	---	---------

Retaining Walls near Streets

DES	(47)	Operate the provisions of Section 167 of the Highways Act 1980 in respect of the erection and condition of retaining walls.	Leader
-----	------	---	--------

Construction of Buildings over Highways

DES	(48)	Issue licences for construction of buildings over any part of a publicly maintained highways under the provisions of Section 177 of the Highways Act 1980.	Leader
-----	------	--	--------

Vehicle Crossings over Footways

DES	(49)	Operate the provisions of Section 184 of the Highways Act 1980 relating to the construction of vehicle crossings over footways and verges.	Leader
DES	(50)	Authorise, the waiver of charges in respect of the provision of crossovers in association with other adaptations to disabled persons' properties, and in accordance with the recommendations of the Director of Adult and Community Services (Occupational Therapy Service).	Leader

Trees and Shrubs in a Highway

DES	(51)	Grant licences for the planting and maintenance of trees and shrubs under the provisions of Section 142 Highways Act 1980.	Council
-----	------	--	---------

Powers of entry for Survey

DES	(52)	Authorise entry on to land for surveys in connection with highway functions under the provisions of Sections 289 and 290, Highways Act 1980.	Council
-----	------	--	---------

Powers of Entry to Maintain Structures and Works

DES	(53)	Authorise entry on to land for the purpose of maintaining, altering etc, works or structures owned by the Highway Authority under the provisions of Section 291 of the Highways Act 1980.	Leader
-----	------	---	--------

Provision of Dustbins

DES	(54)	Authorise and serve notices under Section 46 of the Environmental Protection Act 1990, as amended, requiring owners or occupiers of premises to provide the required number and type of covered dustbins for household refuse.	Leader
-----	------	--	--------

Trade Refuse Disposal Facilities

DES	(55)	Authorise and serve notices on the owner or occupier of a building under Section 11 of the London County Council (General Powers) Act 1963 as amended requiring the carrying out of works or taking action to secure that the building is provided with trade refuse disposal facilities approved by the Director of Environmental Services.	Council
-----	------	--	---------

Offences involving the use of a vehicle

DES	(56)	Authorise and serve notices under Section 17 of the Greater London Council (General Powers) Act 1972 relating to an offence involving the use of a vehicle on a highway or parking area requiring information as to the identity to the driver or person in charge.	Council
-----	------	---	---------

Dangerous Land Adjoining Streets

DES	(57)	Authorise and serve notices and take action under Section 165, Highways Act 1980 in respect of dangerous land adjoining streets.	Leader
-----	------	--	--------

Footbridges over Highways

DES	(58)	Grant licences for the construction of footbridges over highways under provisions of Section 176 of the Highways Act 1980.	Leader
-----	------	--	--------

Restriction on placing rails, beams, etc over highways

DES	(59)	Determine applications and grant consents under Section 178, Highways Act 1980, to place rails, beams, pipes, cables, wires, or other similar apparatus over, along or across highways.	Council
-----	------	---	---------

Cellars under Streets

DES	(60)	Determine applications and grant consents under Section 179, Highways Act 1980 for the construction of cellars, etc under the carriageway of a street and authorise and serve notices for removal, or alteration, of any cellar, etc, constructed in contravention of that section.	Council
-----	------	---	---------

Openings in footways into cellars and pavement lights and ventilation

DES	(61)	Determine applications and grant consents under Section 180, Highways Act 1980, to make an opening in the footway of a street to a cellar, or vaults; or to carry out works in a street to provide means for the admission of air or light to premises situated under or abutting onto the street and authorise and serve notices where default arises in complying with statutory requirements as to repairs.	Council
-----	------	--	---------

Minor Improvement Budget Schemes

DES	(62)	Approve expenditure on schemes from within the minor improvement budget.	Leader
-----	------	--	--------

Traffic Management Schemes – Civil Engineering Costs

DES	(63)	Following agreement in principle to traffic management schemes by the Council, approve the detailed civil engineering element costs.	Leader
-----	------	--	--------

Land Drainage and Watercourses

DES	(64)	(i)	Issue approvals under Section 11 (Restrictions as to buildings etc, in or over streams) and Section 13 (Restrictions on new connections with streams) of the River Ravensbourne etc (Improvements and Flood Prevention Act 1961.	Council
		(ii)	In accordance with the Land Drainage Acts 1991 and 1992 implement the Council's National Rivers Authority policies on:	Leader
		(a)	building over, adjacent to or in the flood plain of any watercourse;	Leader
		(b)	the use and maintenance of any watercourse;	
		(c)	the prevention of pollution to, and protection of the water environment;	
		(d)	in accordance with the Land Drainage Act 1991 Section 25, to serve notices on riparian owners for maintenance of watercourses and, if in default, carry out works and recharge the owner all reasonable costs.	

Bromley Town Centre – Closure of White Hart Slip

DES	(65)	Approve the issue of permits and determine any conditions that should be imposed thereon in respect of vehicles carrying out infrequent specialised maintenance or building activities and for infrequent delivery or collection of exceptional loads needing to gain access to White Hart Slip.	<i>Leader</i>
-----	------	--	---------------

Bromley Town Centre – Parades etc in High Street

DES	(66)	Determine applications for exemptions for parades and other similar events in the pedestrianised area of the High Street.	Council
-----	------	---	---------

Disposal of small surplus highway sites

DES	(67)	Authority to declare as surplus to the requirements land held for highways purposes, being small areas of highway land not exceeding 500 square metres and to take such action as is necessary to extinguish highway rights associated with the land, subject to the receipt of planning consent for the change of use and the views of the local Ward Councillors being sought before any application is determined.	Leader
-----	------	---	--------

Licences – use of highway land

DR	(68)	On the recommendation of the Director of Environmental Services prepare licences under the provisions of the Highways Act 1980 to enable the owners of properties fronting public highways to use adjoining highway land as part of their gardens.	<i>Leader</i>
----	------	--	---------------

Neighbourhood Watch Signs

DES	(69)	Authorise and/or refuse consent for the erection of Neighbourhood Watch signs on Council street furniture.	Council/Leader
-----	------	--	----------------

Street Trading

DES	(70)	To recommend legal proceedings subject to the Director of Resources being satisfied as to the sufficiency of evidence.	Council
DES	(71)	To grant unopposed applications for full and temporary licences and applications for renewals of such licences where the terms and conditions are unchanged.	Council
DES	(72)	To refuse applications for street trading licences in circumstances where Section 25(4)(a) and (b) apply.	Council
DES	(73)	To grant unopposed applications by licence holders for variation of conditions attached to their licence.	Council
DES	(74)	To waive fees for temporary licences in respect of national charity events.	Council

DES	(75)	To remit or refund fees or charges associated with street trading licences on production of a medical certificate or where because of road works etc a trader is unable to trade or for any other approved reason.	Council
DES	(76)	To accept applications for renewal of licences later than two months before expiry date (submitted before the expiry date).	Council
DES	(77)	To accept the surrender of a street trading licence.	Council
DES	(78)	To refuse the granting of a temporary licence for a street trader.	Council
DES	(79)	Confirm all experimental traffic regulation orders after an operational period of 12 months subject to: <ul style="list-style-type: none"> (i) the Ward Members concerned, the police and the public where appropriate being consulted; (ii) no objections being forthcoming; (iii) a report being made to the Executive Portfolio Holder in respect of those locations where objections have been received. 	Leader
DES	(80)	Powers to control unlicensed street trading under the London Local Authorities' Act 2004 Section 20 and Schedule 4.	Council

School Keep Clear Markings

DES	(81)	Introduce mandatory school Keep Clear markings when the need is apparent and, the cost of each Traffic Order be funded from the block revenue provision for minor traffic management schemes.	Leader
-----	------	---	--------

Central Islands/Refuges

DES	(82)	Approve the installation and removal of central islands/refuges subject to consultation with ward members.	Leader
-----	------	--	--------

Environment Bromley – Grant

DES	(83)	Approve annual requests from Environment Bromley for grant funding.	Leader
-----	------	---	--------

Graffiti Removal

DES	(84)	The Power to require the removal of graffiti from shops, commercial properties, apparatus and plant under the London Local Authorities' Act 2004.	Council
-----	------	---	---------

DES	(85)	Approve action to secure the removal of graffiti in consultation with the Director of Resources.	Council/Leader
-----	------	--	----------------

Waiting and Loading Restrictions

DES	(86)	Authority to:	
	(i)	suggest the sites for the introduction or amendment of waiting and loading restrictions.	Leader
	(ii)	consult the Executive Portfolio Holder, Ward Members concerned, the Police and the public on the proposals.	Leader
	(iii)	subject to no objections being forthcoming, or where the scheme is less than £5,000 to introduce the restrictions; and	Leader
	(iv)	report to the Executive Portfolio Holder in respect of schemes costing over £5,00 where objections have been received but it is still considered that the restrictions should be implemented.	Leader

Disabled Persons Parking Bays

DES	(87)	Approve applications which meet all the following criteria and where no objections are received during consultation with the Ward Members, Police and local residents.	Leader
	(i)	only disabled drivers will be considered, except in exceptional circumstances;	Leader

- | | | |
|-------|---|--------|
| (ii) | only applicants with no suitable off-street parking available to them will be considered; | Leader |
| (iii) | serious and frequent problems must be experienced in parking near the applicant's residence; | Leader |
| (iv) | applicants must undergo a medical assessment by the Council-appointed doctor; | Leader |
| (v) | applicants under 65 years of age should be receiving the higher mobility component of disability living allowance whilst applicants over 65 years of age would be assessed by the Council-appointed doctor only as in (iv) above. | Leader |
| (vi) | the exceptional circumstances referred to in (i) above be: | Leader |
| | (a) the application is on behalf of a minor; and | |
| | (b) the refusal of the application would cause hardship to the carers or the disabled person. | |

Street Works etc

- | | | | |
|-----|------|--|---------|
| DES | (88) | Operate the provisions of Section 50 of the New Roads and Street Works Act 1991, for the granting of street works licences. | Council |
| DES | (89) | Operate the provisions of Section 56 of the New Roads and Street works Act 1991, for giving the undertaker such directions as to the times when works may or may not be carried out. | Leader |

Unauthorised Signs on the Highways

- | | | | |
|-----|------|--|--------|
| DES | (90) | Operate the provisions of Section 132 of the Highways Act 1980 to remove unauthorised signs placed on the highway in roads which are on the Council's statutory list of maintained highways and rights of way in the Definitive Map. | Leader |
|-----|------|--|--------|

Wilful Obstruction of the Highway

DES	(91)	Operate the provisions of Section 148 of the Highways Act 1980 for the removal of unauthorised things on the highway which are on the Council's statutory list of maintained highways and rights of way in the Definitive Map.	Leader
-----	------	--	--------

Removal of Projections from Buildings

DES	(92)	Serve notice under Section 152 of the Highways Act 1980 in respect of any projection from a building which may endanger the public.	Leader
-----	------	---	--------

White Bar Carriageway Markings

DES	(93)	Decide whether white bar markings should be laid to reduce the incidence of car parking obstruction in the following cases: (a) access to public places such as churches, halls and libraries; (b) accesses to groups of garages or similar situations where obstruction causes for delivery or loading including refuse collection. (c) access for individual disabled drivers who park off-street; and (d) to assist pedestrian access where vehicle parking obstruction takes place at crossing sites, excluding formal pedestrian crossings.	Leader
-----	------	--	--------

Consultation Documents

DES	(94)	Consider and submit comments in respect of consultation documents received seeking the Council's views on all matters within the portfolio's purview subject to there being no policy issues or substantial expenditure, involved. In those instances, where the Director of Environmental Services considers it	Leader
-----	------	--	--------

appropriate prior consultation should be undertaken with the Executive Portfolio Holder before observations are submitted.

Signing to Places of Worship

DES	(95)	Approve or refuse application for signing to places of worship, based on the criteria approved by the Executive Portfolio Holder – any complex or sensitive issues to be referred to the Executive Portfolio Holder for determination.	Leader
-----	------	--	--------

Environmental Improvements

CP	(96)	Select environmental improvement schemes for implementation, following consultation with the Ward Members concerned (the CP also to report annually on the Committee on the action taken).	Leader
----	------	--	--------

Blue Badge Scheme

DES	(97)	The issue and administration of the Blue Badge Scheme as provided for under the Chronically Sick and Disabled Persons Act 1970.	Leader
-----	------	---	--------

Lease of Council Facility

DES	(98)	Let or lease a Council facility or part to a Council contractor to assist with the performance of their contract with the Council.	Leader
DES	(99)	Authority to approve highways and transport planning schemes for signs and disabled parking bays, including consultation and implementation stages, provided costs are within current budgets.	Council/Leader
DES	(100)	Authority, in consultation with the Director of Resources, to make Orders in respect of waiting restrictions and loading bays.	Leader
DES	(101)	Decide on action in response to petitions related to environmental operational matters.	Council/Leader

Allotments

DES	(102)	Manage and let allotment plots (in conjunction with allotment society or association where management agreement exists between Council and the society or association).	Leader
DES	(103)	Waive all or part of the rent due in the initial year of a tenancy where in his opinion a plot requires additional work to put it into a satisfactory state for cultivation.	Leader
DES	(104)	Deal with applications for permission to erect buildings and structures, subject to consultation with local allotment society or association in the case of those exceeding two feet in height and not being the replacement of an existing building or structure.	Leader
DES	(105)	Authorise the signature of tenancy agreements on behalf of the Council.	Leader
DES	(106)	Authorise and service notices to quit or notices or re-entry on allotment tenants:- (a) where the Council determine alternative use of the land, and (b) for arrears of rent or other breach of tenancy agreement.	<i>Leader</i>
DES	(107)	In consultation with the Director of Resources, approve changes of trustees appointed for the purposes of a management agreement between the Council and an allotment society or association.	<i>Leader</i>

Parks, recreation grounds, open spaces

DES	(108)	Approve occasional, general or individual variations of dates and opening hours.	Leader
DES	(109)	Allocate seasonal reservations in accordance with priorities approved.	Leader
DES	(110)	Restrict public use to accommodate lettings, reservations and other special occasions.	Leader
DES	(111)	Let all premises in accordance with policy and permitted uses approved by the Executive or Executive Portfolio Holder.	Leader

DES	(112)	Let catering rights in all premises, on the best available terms, in respect of arrangements of up to one year's duration only and where arrangements for a longer period have not previously been made, subject to consultation where necessary with the Director of Resources and the signing by the Chief Executive of any consequent licence.	Leader
DES	(113)	Deal with applications for commercial purposes at a charge to be negotiated in each case.	Leader
DES	(114)	Let sports pitches and facilities.	Leader
DES	(115)	Set the dates of commencement and completion of sports seasons, including occasional, general or individual extension or contraction.	Leader
DES	(116)	Grant temporary use and letting of parks, open spaces and premises to outside organisations including temporary closure to the public so that admission charges may be levied.	Leader
DES	(117)	Accept gifts of memorial and other seats.	Leader
DES	(118)	(a) Decide conditions for suitable applicants to be allowed to use the Council's parks and open spaces for filming and commercial photography on payment of prescribed fees, but with power to waive the fee for filming or photography by an education authority, or in such a case, to charge a nominal fee of £1, at his discretion.	Leader
		(b) Refuse an application where the films or photographs are likely to be detrimental to the Council's interests.	Leader
DES	(119)	Deal with applications for use by circuses and small family fun fairs of areas within the Council's control which have been approved as suitable for such use.	Leader (Licensing decision Council)
DR	(120)	Approve the use of the forecourt at the Churchill Theatre/Central Library for events.	Leader (Licensing decision Council)

Commons

DES	(121)	Deal with applications for fetes and other special activities on commons.	Leader (Licensing decision Council)
-----	-------	---	-------------------------------------

Cemeteries

DES	(122)	Manage the Council's cemeteries including the allocation of burial space and the authorisation and execution of grave grants.	Leader
-----	-------	---	--------

Anti Social Behaviour

DE	(123)	In consultation with the Director of Resources issue of fixed penalty notices in respect of graffiti and fly posting under the Anti-Social Behaviour Act 2003 Section 43.	Leader
----	-------	---	--------

DES	(124)	Issue of graffiti removal notices under the Anti-Social Behaviour Act 2003 Section 48.	Leader
-----	-------	--	--------

DES	(125)	Powers to deal with the clearance of works and litter under the Anti-Social Behaviour Act 2003 Sections 55 and 56.	Leader
-----	-------	--	--------

DES	(126)	Control of high hedges under the Anti-Social Behaviour Act 2003 Sections 68, 69 and 70.	Council
-----	-------	---	---------

DES	(127)	Propose the making of a Gating Order under the Clean Neighbourhoods and Environment Act 2005.	Leader
-----	-------	---	--------

Miscellaneous

DES	(128)	Deal with dangerous trees pursuant to Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976.	Leader
-----	-------	---	--------

DES	(129)	Approve the purchase of selected horticultural stock, without recourse to competitive quotations.	Leader
-----	-------	---	--------

DES	(130)	Refer to the Director of Resources for consideration with a view to prosecutions, cases under the Council's byelaws or other statutes.	Council
-----	-------	--	---------

DRR	(131)	Manage the staff canteens and catering service without prejudice to the Director of Resources' financial responsibilities referred to in Minute 1/356 (General Purposes	Council/Leader
-----	-------	---	----------------

Committee – 8.6.65) and subject to consultation as appropriate with and by the Assistant Chief Executive - Human Resources on staff welfare aspects.

DES	(132)	Issue of fixed penalty notices for fly posting under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2	Council
DES	(133)	Destruction of vehicles which are unlicensed, without a valid registration plate, or which have no registered keeper and associated powers under the London Local Authorities' Act 2004 Sections 3, 4, 6 and 7.	Council
DES	(134)	The control of car repairs on the street under the London Local Authorities' Act 2004 Section 11.	Council
DES	(135)	Pigeon proofing of bridges under the London Local Authorities' Act 2004 Section 9.	Council

**RESOURCES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Where marked * exercise of an authority to act is conditional upon the authorised officer consulting with the Chief Executive.

Officer(s) authorised	Authority to:	Responsibility delegated from
--------------------------	---------------	----------------------------------

**Staff
Appointments**

All	(1)	With the exception of the post of Chief Planning Officer, appoint staff in authorised posts of "Deputy Chief Officer" as defined by the Local Government Act 2002. A procedure for notifying the Executive will apply before a formal offer can be made.	Council
-----	-----	--	---------

Suspension, relegation and dismissal of officers

All	*	(2)	Subject to any existing right of appeal to an Appeals Panel to suspend, relegate or dismiss Deputy Chief Officers as defined by the Local Government Act 2002.	Council
-----	---	-----	--	---------

Consider appeals from employees against their dismissal, except where the Council's procedures provide for these to be heard by a Members' Appeal Panel	Council
---	---------

ACE-HR	(3)	Authorise the release of statutory minimum redundancy payment and basic pension to eligible staff as provided for under redundancy payments legislation and the LGPS Regulations.	Council
--------	-----	---	---------

Departmental Structures and Job Grade Reviews

All	(4)	(i)	Authorise departmental restructurings and grading reviews in consultation with the Assistant Chief Executive - Human Resources, provided that these are in line with the overall strategic direction of the Council and do not involve redundancies or early retirement and are self financing.	Council/Leader
-----	-----	-----	---	----------------

(ii) Authorise reorganisations and restructurings involving redundancies and /or early retirement to be made by the Chief Executive after consultation with the Leader, relevant Director(s) and Portfolio Holder(s) on the service and financial implications where there is funding available to meet the associated costs.	Leader
---	--------

Recruitment, Training and Conditions of Service

All	* (5)	Implement National Joint Council recommendations as accepted by or on behalf of the Council and other appropriate training programmes with regard to the training and development of employees.	Council
All	(6)	Approve payment of, in accordance with procedures laid down from time to time:- Leased cars; Car allowances; Car purchase loans; Removal expenses for new staff; Telephone installation and rental charges; Travelling and subsistence expenses; Excess travelling expenses for transferred staff for up to 4 years; Interest free loans for annual season tickets.	Council
All	(7)	Permit, as appropriate, staff to undertake activities such as the giving of lectures or instruction associated with professional or analogous training which may fall partly within office hours.	Council/Leader
ACE-HR	(8)	Determine variations to local conditions of service in exceptional individual employee cases in consultation with the departmental Chief Officer and with the Director of Resources when direct costs are incurred.	Council
Early Retirement			
All and ACE-HR	(9)	Authority to agree applications for early retirement outside the redundancy policy where this will lead to compensatory staff savings, and act as a member of the Chief Officer Early Retirement Panel to determine applications for early retirement under the Local Government Pension Scheme Regulations.	Council
ACE-HR	(10)	Make all necessary arrangements for implementation of the Council's long service awards.	Council
Leave			
All	(11)	Grant annual and special leave in accordance with the Council's policy.	Council

Extension of Service

All (12)	Extend the employment of a member of staff to a date later than their normal retirement age where this is in the interest of the Council to do so.	Council/Statute
----------	--	-----------------

Superannuation etc

FD (13)	Determine and apply the provisions of the Local Government Pension Scheme Regulations 1997 as applicable to employees, pensioners, dependents and estates. Determine and apply the provisions of the Social Security Acts and Occupational Pension Scheme Regulations to leavers, pensioners, dependants and transfer values.	Council
---------	---	---------

FD (14) and ACE-HR	Authority to determine future applications for early payment of deferred benefits under the Local Government Pension Scheme Regulations.	Council
-----------------------	--	---------

FD (15) and ACE-HR	To implement the Council's schemes for gratuities and severance payments.	Council
-----------------------	---	---------

Implementation of Awards etc

FD (16)	Implement payment of salary and wage awards by appropriate national and regional negotiating bodies.	Council
---------	--	---------

CE (17)	Implement decisions of appropriate national negotiating bodies of a routine or minor character affecting the working conditions of employees.	Council
---------	---	---------

Ex Gratia Payments

All (19)	Authorise, in consultation with the Director of Resources, ex gratia payments not exceeding £500 in any one case to persons in the employment of the Council in respect of loss of or damage to personal property sustained during the course of duty when reimbursement for such loss or damage is not recoverable from any other source.	Council
----------	--	---------

Industrial Injuries Scheme

ACE-HR (20)	Determine, in consultation with the Director of Education and Care Services so far as teachers are concerned, all applications under Paragraph 8 of the Greater London Whitley Council Industrial Injuries Scheme.	Council
-------------	--	---------

CE (21)	Approve, in consultation with the Director of Education	Council
---------	---	---------

and Care Services (so far as teachers are concerned) the adoption of recommendations of the Greater London Whitley Council and Greater London Joint Council on payments of allowances for personal injury.

Honoraria

All	(22)	Authorise the payment of honoraria to employees in accordance with conditions of service and the Council's scheme.	Council
-----	------	--	---------

ACE-HR	(23)	Determine any individual variations to the Council's scheme for the payment of honoraria to management grade staff. Review periodically the basis of the honoraria in the light of pay awards and any other relevant factors and revise the honoraria amounts accordingly.	Council
--------	------	--	---------

Essential Car users – Car Loan			Council
--------------------------------	--	--	---------

FD ACE-HR	(24)	Authority to carry out an annual review of the maximum sum the Authority is prepared to make available in the form of a loan to "essential car users" for the purpose of purchasing a car and to agree an increase in the maximum loan as necessary to reflect any increase in the cost of new cars, subject to an individual not being permitted to borrow more than 50% of their annual salary.	Council
--------------	------	---	---------

DR	(25)	Determine the area over which rights alone should be acquired in respect of the Bromley Town Centre redevelopment.	Leader
----	------	--	--------

Benchmark Lease Cars

DES/FD	(26)	The Director of Environmental Services, in consultation with the Finance Director, be authorised to revise benchmark lease car contributions as and when manufacturers vary prices during the course of the year.	Council
--------	------	---	---------

ACE-HR FD	(27)	The Assistant Chief Executive - Human Resources, in consultation with the Finance Director, be authorised to vary the mileage rates payable to leased car users.	Council
--------------	------	--	---------

Mortgages

DR	(28)	Seal:	Council
		(a) vacating receipts and discharges of mortgages;	
		(b) mortgages where the advances are made by instalments;	
		(c) mortgages to secure the external borrowing of money.	

CE/DR	(29)	Sign receipt on mortgages and discharges of registered charges where the Council's seal is not required.	Council
DR	(30)	Approve advances for the connection of houses to public sewers.	
DR	(31)	Approve applications for the consent of the Council as mortgages to: (i) the grant of rights of way and other easements, and licences; (ii) the carrying out of alterations and/or improvements to the mortgaged properties; subject in each case to being satisfied that the Council's security will not be adversely affected.	Leader
DR	(32)	Authorise and institute proceedings for the recovery of arrears and/or possession of the property where mortgagors under the Council's Housing Act Advance Scheme have made default in payment of sums secured by the mortgage.	Leader
DR	(33)	Authorise and give permission for short-term lettings of mortgaged property by mortgagors.	Leader
DECS	(34)	Approve Housing Act advances in accordance with the scheme and criteria approved by the Executive.	Leader
FD	(35)	Approve increases or reductions in mortgage periods.	Leader
DR/FD	(36)	Approve applications for the transfer of mortgages from the husband and/or wife to husband and/or wife subject to normal income limits.	Leader
DR	(37)	Endorse extensions of mortgages executed by the Council in connection with external loans.	Leader
Private Street Works Charges, etc.			
DR/FD	(38)	Approve the suspension of repayment of the principal element of private street works charges and loans for house connections to sewers for such period as the applicant is in receipt of Social Security income support	Leader

Loans

FD	(39)	To make all necessary arrangements for efficient debt and cash management in accordance with any statutory requirements and the Treasury Policy Statement approved by the Council. In particular to:	Council/Leader
		(i) arrange loans, as required, on terms appropriate to market conditions in order to finance new capital expenditure or refinance maturing loans;	
		(ii) raise temporary loans and invest surplus cash:	
		(iii) arrange leasing finance as appropriate.	
DECS	(40)	Authority to approve maturity loans applications.	Leader
Rates of Interest			
FD	(41)	Determine rates of interest of (a) local bonds and mortgages and (b) Housing Act mortgage advances, subject to referral to Committee of any proposal to vary existing practice in the relative treatment of pre- and post-1980 Act mortgages.	Council/Leader
Local Taxes			
FD	(42)	Authority to act on behalf of the Council in all matters concerning the administration, collection, recovery or community charges, Council Tax and non-domestic rates (including authority to authorise bailiffs to levy distress on behalf of the Council) and the administration of community charge and Council Tax benefits (including, for the avoidance of doubt, the consideration of any complaint or appeal by a Council tax payer).	Council/Leader
Value Added Tax			
FD	(43)	To take any necessary action to “opt to tax” exempt supplies where the third party is VAT registered.	Leader
Contractors Bonds			
All	(44)	Allow contractors to obtain their own bonds for due performance of any proposed contract, subject to the nominated bondsman being acceptable to the Director of Resources and to any additional cost being met by the contractor.	Leader
Carry Forward of Budgets			
FD	(45)	Authorise spending officers to carry forward from one financial year to the next any unspent General Fund or Housing Revenue Account budget provision, provided that the goods were ordered or the work was started	Council/Leader

in the expectation that the order would be completed by 31st March.

FD	(46)	The Finance Director shall be the Chief Finance Officer for the purposes of Section 114 of the Local Government Finance Act 1988.	Council
FD	(47)	In respect of benefit fraud, impose or request administration penalties as appropriate.	Leader

Management of The Glades

FD	(48)	Following, where appropriate, consultations with the Director of Resources and Director of Renewal and Recreation to take decisions concerning the management of The Glades shopping centre so as to maintain the Council's overall interests.	Leader
----	------	--	--------

Property

DR/DRR	(49)	Authority to:-	
	(i)	approve purchases of properties in pursuance of confirmed compulsory purchase orders, on terms recommended and endorsed, when necessary, by the District Valuer;	Leader
	(ii)	To approve the terms of any property transaction where there has been a decision of the Council, Executive, Executive Portfolio Holder, Committee or Sub-Committee, to acquire or dispose subject to a capital value less than £500,000 or rental value less than £50,000;	Leader
	(iii)	To sell land not required for operational purposes with an area less than 500 sq. meters and value less than £10,000;	Leader
	(iv)	To sell property or purchase it by private treaty when such action was included in the Asset Management Plan, subject to the financial limits set out in (ii) above;	Leader
	(v)	Carry out all functions relating to the leasing and management of property, including landlords' consent, unless they fall outside the financial limits detailed in (ii) above, or the matter is particularly referred by Members to the Executive or Portfolio Holder;	Leader
	(vi)	To take action on all London Residuary Body	Leader

matters, subject to the financial limits set out in (ii) above.

- | | | |
|--------|---|----------------|
| (vii) | authorise the making of a Home Loss Payment in any case in which such a payment is appropriate; | Leader |
| (viii) | grant leases to public utility undertakings for land required for the erection of sub-stations or other similar purposes; | Leader |
| (ix) | grant leases of Council land or properties not immediately required for the purposes for which they were originally acquired or are currently held, provided such leases are | Leader |
| | (a) for a period not exceeding seven years; or | |
| | (b) where the premium does not exceed £5,000 or the annual rent £500; | |
| (x) | consent to the assignment of leases and tenancies of Council properties; | Leader |
| (xi) | negotiate and agree terms in respect of easements, wayleaves, consents and licences affecting land and property; | Leader |
| (xii) | approve applications for the consent of the Council, as landlord, for minor alterations or improvements to buildings; | Leader |
| (xiii) | determine rent reviews and agree changes in use of commercial properties in Council ownership where the Council is acting as landlord; | Leader |
| (xiv) | on terms determined in accordance with provisions of the Act, approve sales or the extension of leases under the Leasehold Reform Act 1967, as amended by the Housing Act 1980, where appropriate claims have been accepted as being legally valid and without grounds for counter-claim; | Leader |
| (xv) | enter into an agreement, or agreements under Section 1 of the Local Authorities (Goods and Services) Act 1975, on such terms as he considers appropriate: | Council/Leader |
| | (1) with the London Fire and Emergency | |

Planning Authority, to act on its behalf in respect of the sale of Beckenham Fire Station and any other property owned by that body; and

(2) with any other public body which may request such service.

(xvi) Agree terms, in consultation with the Leader of the Council, for the disposal of the Council's reversionary interest in small areas of non-housing land and buildings on the former GLC Seaside and Country Home estates, subject to an upper price limit of £200,000. Leader

(xvii) Decisions on former London Residuary Board matters which do not involve expenditure by the Council and are not of a controversial or sensitive nature. Leader

(xviii) Approve transactions when the name of the purchaser or transferee changes, but not the ownership, and all other terms and conditions remain as originally approved; Leader

(xix) Dispose of small areas of former highway land not exceeding 500 square metres which have been declared surplus to the requirements of the Council and upon which highway rights have been extinguished subject to consultation with Ward Members. Leader

SRB Funded Projects – Carry Forward Arrangements

FD/DRR	(50)	Carry forward from one financial year to the next any net underspendings on revenue budgets for SRB funded projects.	Council/Leader
--------	------	--	----------------

Energy Contracts

FD	(51)	In consultation with the DECS and relevant Executive Portfolio Holders, to accept energy tenders for gas and electricity for those schools which have opted into a corporate contract (in accordance with the decision of the Executive on 21 st July 2008).	Leader
----	------	---	--------

FD	(52)	To accept energy tenders for gas and electricity for the remainder of the Council (in accordance with the decision of the Executive on 21 st July 2008).	Leader
----	------	---	--------

Registration Service

DR (53) Be "Proper Officer" in respect of the Births Deaths and Council
Marriages Registration Service.

**CARE SERVICES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:-	Responsibility delegated from
DECS/DES(1)	Ensure that the powers and duties to provide for the social care of elderly people, people with a disability and/or chronic sicknesses are met in accordance with statutory requirements and Council policy.	Council/Leader
DECS (2)	Exercise the statutory functions (including under the Mental Health Acts and Mental Capacity Act 2005) to safeguard the welfare of people suffering from a mental illness.	Leader
DECS (3)	Arrange burials and cremations in cases where no other suitable arrangements have been made.	Leader
DECS/DRR (4) DES	Consider the conditions and housing needs of the Borough.	Leader
DECS (5)	Assess and arrange rehousing for homeless applicants in accordance with statutory requirements and Council policy.	Leader
DECS (6)	Nominate applicants to Housing Associations.	Leader
DECS/DRR (7)	Monitor the performance of Housing Associations and arrange for collection and production of statistical information.	Leader
DECS/DRR (8)	Consult with and provide advice to Housing Associations and other housing organisations on the housing needs of the Borough.	Leader
DECS (9)	Manage and provide temporary accommodation for homeless people and in cases of emergencies.	Leader
DECS (10)	Agree the terms and conditions for block booking arrangements for temporary accommodation.	Leader
DECS/DRR (11)	Manage the Council funded development programme in line with Council policy.	Leader
DECS (12)	Undertake the general supervision and management of social work support services provided under the Local Authority Social Services Act 1970 (and any other enactment) not generally covered elsewhere in this scheme of delegation.	Leader

DECS	(13)	Ensure that reasonable costs are recovered for certain services in line with statutory regulations and Council policy.	Leader
DECS	(14)	Discharge the Council's transport functions in accordance with statutory requirements.	Council/Leader
DECS	(15)	Dispose of small plots of land which are surplus to requirements and which do not exceed 200 square metres in area, subject to consultation with local Ward Members.	Leader
DECS	(16)	Waive or abate charges and to take further action in relation to recovery of charges.	Leader
DECS	(17)	Approve applications for joint financing of less than £50,000.	Leader
DECS	(18)	Authority to allocate Housing Association Programme funds in accordance with the criteria contained in Social Services and Housing Committee Minute 232(g) (21 st July 1997).	Leader
FD	(19)	Determine and pay claims for "well maintained" payments following directions given by the Secretary of State for the Environment.	Leader
FD	(20)	Negotiate with owners and accept tenancies of properties in compulsory purchase orders awaiting confirmation by the Secretary of State and from which immediate rehousing is considered necessary.	Leader
DRR	(21)	Deal with the day-to-day management of all maisonettes associated with shop premises.	Leader
FD	(22)	Authorise payment of disturbance claims.	
DES	(23)	Approve all renovation, disabled facilities and other housing grants and loans in accordance with the schemes approved by the Executive Portfolio Holder.	Leader
DES	(24)	Require and enforce repayment of housing and disabled facilities grants in accordance with the practice of the Executive. Approve the waiving of repayments where financial hardship to the owner would arise.	Leader
DES	(25)	Carry out the Council's functions relating to private sector housing in connection with hazard rating, disrepair, provision of amenity, means of escape in the case of fire, overcrowding, energy efficiency, empty property, management and control.	Leader

DES	(26)	Institute enforcement action and, subject to the Director of Resources being satisfied with the evidence in each case, legal proceedings, and hearings in respect of (25) above.	Leader
DES	(27)	Authorise the carrying out of work in default in appropriate cases of non-compliance.	Leader
DES/CP	(28)	Arrange for the demolition of properties for redevelopment purposes.	Leader
FD	(29)	Determine the amounts of rent rebates to be allowed under approved scheme.	Leader
DES/DECS	(30)	Authorise the approval of discretionary disabled facilities grants in exceptional circumstances.	Leader
DECS	(31)	Authority to approve Social Workers' warrant cards.	Leader

**RENEWAL AND RECREATION PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:	Responsibility delegated from
Adult Education		
DRR	(1) To ensure the provision of Adult Education Services under Section 85 of the Further and Higher Education Act 1992 in accordance with Committee policy.	Leader
Libraries		
DRR	(2) Select and purchase books and other library and museum materials and arrange loan exhibitions.	Leader
DRR	(3) Amend list of purchased periodicals, such amendments to be reported to the Portfolio Holder annually.	Leader
DRR	(4) Publish book lists.	Leader
DRR	(5) Decide on the closure of libraries at Christmas, Easter and public holidays.	Leader
DRR	(6) Decide on occasional variation of library opening hours.	Leader
DRR	(7) Deal with the letting of library halls.	Leader
DRR	(8) Carry out the Council's functions and duties under the Public Libraries and Museums Act 1964 and any amendments.	Leader
DRR	(9) Approve the secondment of trainee librarians for training, subject to the following: (a) such trainees to sign the usual undertaking in respect of staying in the Council's service for two years after completion of their studies; and (b) financial provision being agreed in the revenue budget annually.	Council
Local Land Charge Searches		
DRR	(10) Deal with local land charge searches.	Leader

Legislation enforced by Bromley Public Protection Division
(Public Protection and Safety Portfolio – Delegation (7))

PRIMARY LEGISLATION

ACT/REGULATION	DESCRIPTION OF DELEGATION
Accommodation Agencies Act 1953	To perform functions and investigate offences related to the practices of accommodation agencies
Administration of Justice Act 1970	To perform functions and investigate offences related to the harassment of debtors
Animal Welfare Act 2006	Powers relating to the control of animal welfare
Animal Health Act 1981	Provisions for welfare of farm animals in transit, on the farm and at market
Animal Boarding Establishments Act 1963	Provisions relating to the commercial boarding of animals
Agriculture Act 1970	67(1) Duty Of local authority to enforce part IV of the Act in respect of fertilisers and animal feeding stuffs.67(4) Power to grant consent for inspectors of another enforcement authority to exercise powers within the London Borough of Bromley;67(3) Power to appoint agricultural analyst and deputies; to perform functions and investigate offences related to fertilisers and animal feeding stuffs;75(2) Power to require information and documentation; 76 – Power to enter premises and take samples
Advanced Television Services Regulations 1996	Provisions relating to supply & construction of television equipment.
Aerosol Dispensers (EEC Requirements) Regs 1977	Re marking, inspecting, testing and content of aerosols
Anti-Social Behaviour Act 2003	To perform functions and investigate offences related to the sale of aerosol paint to persons under age.
Architects Act 1997	To perform functions and investigate offences related to unregistered architects
Breeding and sale of dogs (welfare) Act 1999	Provisions to control the activities of commercial dog breeders
Breeding of dogs Act 1973 & 1991	Provisions to control the activities of commercial dog breeders
Building Act 1984	Provisions relating to adequate water supply, drainage and sanitary ware repair/improvement, in dwellings and emergency abatement of certain statutory nuisances.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Business Names Act 1985	Provisions relating to ownership details on premises and stationary
Cancer Act 1939	To perform functions and investigate offences connected to advertisements relating to the treatment of cancer
Caravan Sites and Control of Development Act 1960	Provisions for granting licences to caravan sites, attachment of conditions and the provision of caravan sites.
Charities Act 1992	To perform functions and investigate offences connected with information to be provided, and false statements made by, professional fund raisers.
Charities Act 2006	To perform functions and investigate offences connected with unauthorised use of badges certificates and articles and of false statements made, in respect of charitable appeals.
Children & Young Persons Act 1933	To perform functions and investigate offences connected with the sale of tobacco and cigarette papers to persons under age and in respect of tobacco vending machines.
Children & Young Persons (Protection Tobacco) Act 1991	Duty of local authority to consider a programme of enforcement action in respect of the sale of tobacco to persons under age.
Children & Young Persons (Protection Tobacco) Act 1991	To perform functions and investigate offences connected with the sale of single cigarettes [3(1)] and in respect of tobacco warning notices [4(1) & 4(2)]
Cinemas Act 1985	The provisions relating to the regulation of cinemas and film exhibitions
Clean Air Act 1993	Provisions relating to control of smoke from chimneys and the chimney height; smoke grit and fumes from furnaces and the height of the furnace; the control of appliances and fuels in smoke control areas; controls over cable burning and the power to publish information thereof. Duty to enforce regulations concerning the composition and content of motor fuel [30(4)] and the sulphur content of oil fuel [31(4)] To perform functions and investigate offences connected to regulations made under section 30 & 31 related to the composition and content of motor fuel and fuel oil. To exercise powers of entry, inspection, seizure and test purchase in respect of motor fuel and fuel oil
Copyright, Designs & Patents Act 1988	To perform functions and investigate offences related to making or dealing with infringing articles etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc To perform functions and investigate offences related to making dealing with or using illicit recordings etc Duty of

ACT/REGULATION	DESCRIPTION OF DELEGATION
	enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc
Companies Act 2006	Where relevant to other authorised functions, to perform functions and investigate offences related to the display and disclosure of company names [Part 5], fraudulent trading [part 29], display and disclosure of business names [part 41].
Consumer Credit Act 1974	Duty of enforcement by local weights and measures authority Powers of authorised officers related to entry[including making application for warrants], inspection, seizure etc [162] and test purchase [164]
Consumer Protection Act 1987	Duty of enforcement by local weights and measures authority of safety provisions [part II of Act] Power of authorised officers to issue suspension notices in respect of goods suspected of contravening safety provisions and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of goods contravening safety provisions. Powers of authorised officers to make test purchases [28(1)], of entry inspection & seizure etc [29], to apply for warrants of entry [30(2)], to request information & assistance [32(1)], to request information & assistance from Commissioners of Customs & Excise [37(1)].
Control of Pollution (Amendment) Act 1989	Powers relating to control of waste carriers and power to seize vehicles.
Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991	Power to require information in relation to waste carriers.
Control of Pollution Act 1974	Provisions relating to the control of certain paints and treatments; noise and vibration from building sites; noise in the streets; noise abatement zones and the carrying out of certain works by the Council.
Criminal Justice and Public Order Act 1994	Power to remove unauthorised traveller encampments
Criminal Justice and Police Act 2001	Closure of certain classifications of premises
Criminal Attempts Act 1981	To perform functions and investigate offences connected to attempts to commit an indictable offence, where relevant to other authorised functions.
Criminal Justice Act 1988	To perform functions and investigate offences connected to the supply of offensive weapons [141] and the sale of knives etc. to underage persons [141A]
Criminal Law Act 1977	To perform functions and investigate matters connected to conspiracy to commit offences where relevant to other authorised functions.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Crossbows Act 1987	To perform functions and investigate matters connected to– the supply of crossbows to persons underage.
Dangerous Wild Animals Act 1976	Provisions relating to control of dangerous wild animals and power to seize dangerous wild animals.
Dangerous Dogs Act 1991	Provisions relating to breeding, supply, control and abandonment of dangerous dogs.
Development of Tourism Act 1969 See also schedule of secondary legislation [orders & regulations]	To perform functions and investigate matters connected to the notification of pricing of accommodation.
Deer Act 1991	The provisions relating to control of the sale of deer and associated record keeping
Eggs (Marketing Standards) Regs 1995	Control provisions for quality, marking and grading of eggs
Education Reform Act 1988	To perform functions and investigate offences connected to unrecognised degrees Duty of local weights and measures authority to enforce provisions of section 214 Trading Standards List 2 Powers of authorised officers in respect of premise entry, inspection search & seizure etc [215(2), 215(6)], to apply for warrants of entry [215(4).
Enterprise Act 2002	Designation and power of local weights and measures authority to act as a general enforcer in respect of certain consumer legislation. Power of authorised officers to seek undertakings in respect of domestic and community infringements. Power of authorised officers to give notice requiring that information be provided Duty of local weights and measures authority to give notice of intended proceedings under specified enactments or legislation. Power to disclose specified information To investigate offences in respect of disclosure of specified information
Energy Act 1976 See also schedule of secondary legislation [orders & regulations]	Enforcement of orders relating to passenger car fuel consumption
Energy Conservation Act 1981	Power of local weights and measures authority to enforce provisions concerning the design, construction and operation of energy consuming appliances. Powers of authorised officers in respect of entry, inspection, seizure & detention etc [20(2),20(3),20(7) and warrants of entry [20(5)
Environment Act 1985	Provisions imposing certain requirements and provision of controls relating to the control of air quality in the Borough

ACT/REGULATION	DESCRIPTION OF DELEGATION
Environmental Protection Act 1990	Duty of Local authority to inspect its area for nuisance and to investigate all complaints of statutory nuisance. Power of entry, power to require works, power to carry out works and powers to recover costs in relation to said statutory nuisance.
Estate Agents Act 1979	Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers in respect of entry, inspection, seizure & detention etc and warrants of entry.
European Communities Act 1972 Refer to schedule of secondary legislation [orders and regulations].	Enforcement of <i>any</i> orders, regulations or other instruments made there under or relating thereto, or having effect by virtue of the Act, in as far as they relate to consumer protection, fair trading, weights and measures and any other matters considered to be trading standards functions.
Explosives Act 1875 to 1976	To perform functions and investigate offences connected to the sale of gunpowder [30,32] and the sale of gunpowder to persons under age [31].
Fair Trading Act 1973	Duty of local weights and measures authority to enforce orders made under section 22 of the Act Power to make test purchases [28]. Powers of entry, inspection, seizure & detention etc 7 warrants of entry [29]
Farm & Garden Chemicals Act 1967	To perform functions and investigate offences connected to transactions in unlabelled products
Financial Services & Markets Act 2000 Refer to schedule of secondary legislation [orders and regulations].	To exercise the functions of a 'relevant officer' under the Money Laundering Regulations 2007
Fire Safety & Safety of Places of Sport Act 1987	Provisions relating to the safety of sports grounds
Fertilisers Regulations 1991	Provisions for labelling and sampling controls of fertilisers
Fireworks Act 2003	Duty of local weights and measures authority to enforce provisions in respect of firework regulations Powers of entry and inspection etc [by reference to the Consumer Protection Act 1987]
Firearms Act 1968	To perform functions and investigate offences connected to the supply of air weapons to persons under age.
Feeding Stuffs Regs 1991 & 1995	
Food Act 1984	

ACT/REGULATION	DESCRIPTION OF DELEGATION
Food & Environment Protection Act 1985	Duty of local weights and measures authority to enforce regulations relating to the sale, labelling and advertising of pesticides Exercise of enforcement powers by authorised officers
Forgery & Counterfeiting Act 1981	To perform functions and investigate offences connected to forgery and false instruments where relevant to other authorised functions.
Fraud Act 2006	To perform functions and investigate offences where relevant to other authorised functions.
Food Safety Act 1990	To perform functions in relation to food safety
Gaming Act 1968	Provisions for controls over gaming machines
Gambling Act 1985	Provisions for controls over gambling activities
Game Licences Act 1970	Provisions for licensing dealers in game, sale and purchase of game and the keeping of records
Game Acts 1831 & 1970	Provisions for licensing dealers in game, sale and purchase of game and the keeping of records
Greater London (General Powers) 1984	To exercise powers in respect of the registration of premises used for sales by way of competitive bidding Powers of entry and inspection in connection with sales by way of competitive bidding
Greater London (General Powers) 1978	Licensing of places concerned with entertainment
Greater London (General Powers) 1967	Licensing of places concerned with hairdressers and barbers
Greater London (General Powers) 1966	Licensing of places concerned with exhibitions
Guard Dogs Act 1975	Provisions for control of the use of guard dogs on premises.
Hallmarking Act 1973	Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers in respect of test purchasing, entry and inspection etc
Housing Act 2004	Duty of local weights and measures authority to enforce sections 155 to 159 inclusive and 167(4) [provisions related to home information packs]. Powers of authorised officers to require production of home information packs Powers of authorised officers to issue penalty charge notices in connection with breaches of 155 to 159 inclusive, 167(4), 172(1) Powers to confirm or withdraw a penalty charge notice.

ACT/REGULATION	DESCRIPTION OF DELEGATION
	Powers to extend the period for complying with a penalty charge notice requirement. Duty to investigate, obtain information, inspect and take action in relation to housing conditions, houses in multiple occupation and empty property as set out in parts 1-1V and all associated schedules.
Housing Act 1985	Section 17 in relation to compulsory purchase
Housing Grants, Construction and Renovation Act 1996	Whole Act
Health Act 2006	
Health and Safety at Work etc Act 1974	Section 18(4) of Act – duty of local authority to enforce relevant provisions. Appointment of inspectors Authority to exercise power of inspector
Home Energy Conservation Act 1974	The provisions requiring local authorities to adopt a strategy for improving energy efficiency
Insurance Brokers [Registration] Act 1977	To perform functions and investigate offences connected to false registration
Intoxicating Substances [Supply] Act 1985	To perform functions and investigate offences connected to the sale of solvent based products to persons under age.
Knives Act 1997	To perform functions and investigate offences connected to the unlawful marketing of knives and the publication of associated material.
Legal Services Act 2007	To perform functions and investigate offences connected to carrying on restricted legal activities when not entitled [14] or carrying on those activities through persons not entitled [16] Powers of authorised officers to enter premises, powers to require production or take copies of documents, to request information . Power to apply for warrants of entry [198(6)]. To perform functions and investigate offences connected to obstruction and failing to provide information etc
Licensing Act 1964	To comment on applications for licences and permits
Licensing Act 2003	All I Authority Licensing functions including the duty of local weights and measures authority to enforce the provisions of section 146, 147, 147A in respect of the sale of alcohol to persons under age. To issue a closure notice in respect of persistently selling alcohol to persons under age To request a person under age to buy or attempt to buy alcohol To perform functions and investigate offences connected to the sale of

ACT/REGULATION	DESCRIPTION OF DELEGATION
	liqueur confectionery to persons under age
Local Government (Miscellaneous Provisions) Act 1982	Powers relating to the protection of unoccupied buildings
Local Government (Miscellaneous Provisions) Act 1976	Power to require information
London Local Authorities Act 1996	The provisions relating to licensing premises where occasional sales take place
London Local Authorities Act 1995	The provisions relating to licensing of door supervisors
London Local Authorities Act 1991	The provisions relating to licensing premises where special treatments are carried out and provision for the control of burglar alarms
London Local Authorities Act 1990	To enforce provisions in respect of street trading licences including the power to require production of a licence by a licence holder Powers in respect of the removal of receptacles Enforcement of provisions in respect of unlicensed street trading including seizure of relevant articles and things Powers of entry and inspection of authorised officers in connection with occasional sales Power to institute legal proceedings if a relevant person fails to furnish an authorised Officer with a name, provides a false name or false address
London Local Authorities Act 2004 Part 4	Administration of accounts for Fixed Penalty Notices, use of surplus, report to Secretary of State Power to enforce provisions including the Issuing of Fixed Penalty Notices in respect of contraventions of section 34(1 – 4) and 38(1) of Local Authorities Act 1990
Plastic materials & Articles in Contact with Food Regulations 1992	The provisions relating to plastic materials that are to be in contact with food
Magistrates Courts Act 1980	Where relevant to other authorised functions, to perform functions and investigate offences related to the aiding, abetting, counselling or procuring the commission of offences.
Malicious Communications Act 1988	Where relevant to other authorised functions, to perform functions and investigate offences related to sending letters etc. with intent to cause distress or anxiety
Materials & Articles in Contact with Food Regulations 1987	The provisions relating to materials that are to be in contact with food

ACT/REGULATION	DESCRIPTION OF DELEGATION
Medicines Act 1968	Powers of authorised officers related to inspection, premise entry, taking of samples, seizure & detention etc related to medicated animal feed stuffs.
Motor Cycle Noise Act 1987	To perform functions and investigate offences related to the supply of motorcycle silencers and exhaust systems.
National Assistance Act 1948	Power of entry to inspect property
Noise & Statutory Nuisance Act 1993	Provisions for powers in relation to noise and nuisance in the street, control of alarms and recovery of costs
Noise Act 1996	Power to issue warning notices and fixed penalty notices for noise and the power to enter premises and seize equipment
Natural Mineral Water, spring water and bottled drinking water Regs 1999	Provisions for the control of the bottling, supply and quality for natural mineral water
National Lottery Act 1993	To perform functions and investigate offences related to the supply of lottery tickets etc to persons under age
Olive Oil (Marketing Standards) Regulations 1987	Provisions for the control of the bottling, supply and quality for olive oils
Olympic Symbol etc (Protection) Act 1995	Power of local weights and measures authority to enforce provisions relating to relevant goods
Olympic Symbol etc (Protection) Act 1995	Powers of test purchase, entry, inspection & seizure of authorised officers
Pet Animals Act 1951 & 1983	Provisions for the control of sale of pet animals
Personal Protective Equipment (EC Directive) Regs 1992	Provisions for the control of the supply and quality of Personal Protective Equipment
Performing Animals (Regulation) Act 1925	Provisions for the control of the training or exhibition of performing animals
Poisons Act 1972	Provisions for the control of the supply and sale of poisons and the registration of sellers of poisons.
Prices Acts 1974 & 1975	Duty of local weights and measures authority to enforce orders made under sections 2, 4 & 5 in respect of the prices of goods. Powers of entry, inspection, seizure etc of authorised officers
Prevention of Damage by Pests Act 1949	Powers to enter premises for the control of rodents, to require treatments and to carry out works.
Protection of Animals Act 1911	Provisions relating to animal welfare

ACT/REGULATION	DESCRIPTION OF DELEGATION
Proceeds of Crime Act 2002	Matters in relation to the investigation and charging of money laundering offences
Property Mis-descriptions Act 1991	Duty of local weights and measures authority to enforce the provisions of the Act Powers of inspection, seizure, to request the production etc of goods and documents Power of authorised officers to enter premises [paragraph 4(1)] and to apply for warrant of entry [paragraph 4(2)]
Protection From Harassment Act 1997	Where relevant to other authorised functions, to perform functions and investigate offences related to harassment and putting people in fear of violence
Public Health (Control of Diseases) Act 1984	The obligations placed upon, and provisions empowering local authorities with regard to the control of disease
Public Health Act 1961	The obligations placed upon, and provisions empowering local authorities with regard to the control of public health
Public Health Act 1936	The obligations placed upon, and provisions empowering local authorities with regard to the control of public health
Recreational Craft Regs 1996	The obligations placed upon, and provisions empowering local authorities with regard to the supply of recreational craft
Restriction of Offensive Weapons Act 1959	Where relevant to other authorised functions, to perform functions and investigate offences related to the sale and supply of knives and other dangerous weapons.
Riding Establishments Act 1964 - 1970	Provisions relating to licensing of horse riding establishments
Road Traffic (Foreign vehicles) Act 1972	Provisions relating to the powers of authorised persons to prohibit overloaded vehicles
Road Traffic Act 1988	To perform functions and investigate offences related to the sale of motorcycle helmets To perform functions and investigate offences related to the supply of unroadworthy vehicles [75] and the fitting or supply of defective or unsuitable vehicle parts [76].
Scotch Whiskey Act 1988	Provisions relating to the supply and sale of products described as scotch whiskey.
Safety of Sports Grounds Act 1975	The provisions relating to the safety of sports grounds
Solicitors Act 1974	To perform functions and investigate offences related to pretending to be a solicitor and engaging in various practices when unqualified Powers of inspection, entry, seizure & detention, application for a warrant of entry of authorised officers

ACT/REGULATION	DESCRIPTION OF DELEGATION
Sunday Trading Act 1994	Controls over hours of opening on Sundays and Easter for large shops.
Scrap Metal Dealers Act 1964	The provisions relating to the registration of scrap metal dealers
Solicitors Act 1974	The provisions relating to the preparation of certain instruments by unqualified persons
Telecommunications Act 1984	To perform functions and investigate offences related to the marking and labelling of telecommunications apparatus and information contained in advertisements for telecommunications apparatus.
Tattooing of minors act 1969	The provisions relating to the tattooing of young persons
Theft Act 1968	Where relevant to other authorised functions, to perform functions and investigate offences related to false accounting [17] and going equipped to cheat [25].
Timeshare Act 1992	Duty of local weights and measures authority to enforce the provisions of the Act. Power of authorised officers to request information and seize documents
Tobacco Advertising and Promotion Act 2002	Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers to enter premises, perform inspections, seize items, apply for warrants of entry etc.
Trade Descriptions Act 1968	Duty of local weights and measures authority to enforce the provisions of the Act Power of authorised officers to make test purchases Power of authorised officers to enter premises, inspect goods, of seizure and detention, to apply for warrants of entry etc.
Trade Marks Act 1994	Duty of local weights and measures authority to enforce provisions of section 92 (unauthorised use of trade mark, etc. in relation to goods). Powers of authorised officers to inspect goods and enter premises etc, of seizure and detention, to apply for warrants of entry etc. Power to apply for forfeiture of goods To perform functions and investigate offences related to the falsification of the trademarks register etc [94] and falsely representing a trade mark as registered [95].
Trading Representations (Disabled Persons) Acts 1958 and 1972	To perform functions and investigate offences related to registration of sellers of goods made by persons with disabilities
Unsolicited Goods and Services Act 1971 & 1975	To perform functions and investigate offences related to unsolicited demand for payment etc
Veterinary Surgeons Act 1966	To perform functions and investigate offences related to the carrying out of veterinary practices by unqualified persons and the use of practitioners titles

ACT/REGULATION	DESCRIPTION OF DELEGATION
	when unqualified.
Video Recordings Act 1984	Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers to make test purchases, to enter premises, carry out inspections, powers of seizure & detention and to apply for warrants of entry etc To investigate outside of Bromley, offences suspected of being linked to or suspected to have been committed within the borough. To give consent to officers from other local authorities to investigate within Bromley, offences suspected of being linked to that other authority or suspected to have been committed within it.
Water Industry Act 1991	The provisions relating to the control of water to premises, including sufficiency, wholesomeness, and contamination; the control of waste water and duties placed upon the local authority.
Weights and Measures Act 1985	Designation of the London Borough of Bromley as a local weights and measures authority. <i>Power to provide consumer advice</i> Delegation of Chief Inspector of weights and measures To authorise an inspector to act as Deputy Chief Inspector of weights and measures To appoint inspectors of weights and measures To act as Deputy Chief Inspector of weights and measures To perform functions related to passing weighing & measuring equipment as fit for use for trade To issue certificates to operate public weighing and measuring equipment Powers of inspector in connection to certain goods [38] and certain documents [39], goods on road vehicles [40] and check weighing of certain road vehicles [41]. <i>Power to make test purchases</i> General powers of inspector to enter, inspect, seize & detain & to apply for warrants of entry etc
Public Protection - General	All other legislation or parts thereof considered to be relevant to the Public Protection Division that may be in force from time to time including amendments and additions to existing legislation.

SECONDARY LEGISLATION

ACT/REGULATION	DESCRIPTION OF DELEGATION
Secondary legislation made under the European Communities Act 1972	
Aerosol Dispensers (EEC Requirements Regulations 1977)	Powers of authorised officers related to entry (including making application for warrants), inspection, 'testing' etc... To perform functions and investigate offences/breaches under the Regulations
Boiler (Efficiency) Regulations 1993	Duty of local weights and measures authority to enforce the provisions of the Regulations.
Business Protection from Misleading Marketing Regulations 2007	Duty of local weights and measures authority to enforce the provisions of the Regulations Power to request information by notice in writing. Power to make test purchases and enter into an agreement to secure the provision of a service. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant.
Chemical (Hazard Information & Packaging for Supply) Regulations 2002	Duty of the local weights and measures authority to enforce where the supply is from any form of retail outlet and to enforce the provisions relating to the control of advertising (Reg 6) and child resistant packaging (Reg 11) Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Construction Products Regulations 1991	Duty of the local weights and measures authority to enforce the provisions of Part II of the Regulations (requirements relating to construction products). Power of authorised officers to issue suspension notices in respect of products suspected of contravening the regulations and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of products contravening the Regulations Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry, to request information & assistance.
Consumer Protection from Unfair Trading Regulations 2007	Duty of local weights and measures authority to enforce the Regulations. Power to carry out test purchases or enter into arrangements to purchase products. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Control of Misleading Advertisements Regulations 1988	To perform functions and investigate breaches under the Regulations
Consumer Protection (Cancellation of Contracts made in a consumers home or place of work etc) Regulations 2008	Duty of local weights and measures authority to enforce the provisions of regulations (offence relating to the failure to provide cancellation rights). Power of authorised officers to request production of documents and to seize documents.
Consumer Protection (Distance Selling) Regulations 2000	Duty of local weights and measures authority to consider complaints made to it about a breach. To perform functions and investigate offences/breaches under the Regulations
Cosmetic Products (Safety) Regulations 2004	To perform functions and investigate offences under the Regulations
Crystal Glass (Descriptions) Regulations 1973	Duty of local weights and measures authority to enforce Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc , to apply for warrants of entry
Electromagnetic Compatibility Regulations 2006	Duty of local weights and measures authority to enforce the Regulations (except the provisions relating to electricity water meters). Powers of authorised officers to make test purchases, of entry inspection & seizure etc), to apply for warrants of entry, to issue compliance and suspension notices and to request information & assistance.
Electro-medical Equipment (EEC Requirements) Regulations 1988	Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry Power to make test purchases, enter premises and inspect and seize goods and entry by warrant.
Energy Efficiency (Ballasts for Fluorescent Lighting) Regulations 2001	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Washing Machines) Regs 1996	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Household Air Conditioners) Regs 2005	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Combined washer driers) Regs 1997	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Energy Information (Dishwashers) Regs 1999	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Household electric ovens) Regs 2003	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant
Energy Information (Household refrigerators and freezers) Regs 2004	Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (lamps) Regs 1999	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (tumble dryers) Regs 1996	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007	Duty of local weights and measures authority to enforce regulations 5(2), 5(5), 6(2), 9(2), 10, 16(2), 21(1), 23, 24 and 39(4). Powers to request copies of documents to issue a penalty charge notice
Financial Services (Distance Marketing) Regulations 2004	Duty of local weights and measures authority to consider complaints about a breach of the Regulations To perform functions and investigate breaches/offences under the Regulations
Footwear (Indication of Composition) Labelling Regulations 1995	Duty of local weights and measures authority to enforce the Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry.
General Product Safety Regulations 2005	Duty of local authority to enforce the provisions of the Regulations. Power to issue suspension notices, require to 'mark,' require to warn, issue a withdrawal notice, issue a recall notice, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Manufacture and Storage of Explosives regulations 2005	Inspection of premises in relation to storage of explosives
Measuring Container Bottles (EEC Requirements) Regulations 1977	To perform functions and investigate offences related to the Regulations. Power of inspection, entry and testing.
Measuring Instruments (Automatic Discontinuous Totalisers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant

ACT/REGULATION	DESCRIPTION OF DELEGATION
Measuring Instruments (Automatic Rail-weighbridges) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Automatic Catchweighers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Gravimetric Filling Instruments) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations
	Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Beltweighers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Capacity Serving Measures) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Liquid Fuel and Lubricants) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Liquid Fuel Delivered from Road Tankers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Material Measures of Length) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Cold-water Meters) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (EEC Requirements) Regulations 1988	To perform functions and investigate offences related to the Regulations. Power to entry, inspection testing and search by warrant.
Medical Devices Regulations 2002	Powers of forfeiture, issue suspension notices, enter premises and seize goods and entry by warrant. Duty of local weights and measures authority to enforce these regulations in relation to devices that are consumer goods.
Medicines (Advertising) Regulations 1994	To perform functions and investigate breaches under the Regulations

ACT/REGULATION	DESCRIPTION OF DELEGATION
Non-Automatic Weighing Instruments (EEC Requirements) Regulations 2000	To perform functions and investigate offences related to the Regulations. Only local weights and measures authority can institute proceedings. Powers of entry, inspection, testing and entry by warrant.
Packaging (Essential Requirements) Regulations 2003	Duty of local weights and measures authority to enforce the Regulations. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Packaged Goods Regulations 2006	Duty of local weights and measures authority to enforce the Regulations. Powers of entry, inspection, testing and search by warrant.
Passenger Car (Fuel Consumption & CO2 Emissions Information) Regulations 2001 and The Passenger Car (Fuel Consumption) Order 1983.	Duty of local weights and measures authority to enforce the Regulations. Power to enter premises to request production to seize a certificate of conformity. Power to search by warrant.
Personal Protective Equipment (EC Directive) Regulations 2002	Duty of local weights and measures authority to enforce the Regulations Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Package Travel, Package Holidays and Package Tours Regulations 1992	Duty of local weights and measures authority to enforce the Regulations for the purposes of regs 5, 7, 8, 16 & 22. Powers of entry, seizure, production of documents and entry by warrant.
Pressure Equipment Regulations 1999	Duty of local weights and measures authority to enforce the Regulations in relation to pressure equipment or assemblies for private use or consumption. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Radio Equipment & Telecommunications Terminal Equipment Regulations 2000	Duty of local authority to enforce the Regulations. Power to serve enforcement notice. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Recreational Craft Regulations 2004	Duty of local weights and measures authority to enforce the Regulations. Power to service compliance notice. Power to issue suspension notices, apply for forfeiture and obtain information.
Simple Pressure Vessels (Safety) Regulations 1991	Duty of local weights and measures authority to enforce the Regulations where they relate to vessels and relevant assemblies as consumer goods. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants

ACT/REGULATION	DESCRIPTION OF DELEGATION
Supply of Machinery (Safety) Regulations 1992	Duty of local weights and measures authority to enforce where it relates to relevant machinery as goods for private use or consumption Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Unfair terms in consumer contracts Regs 1999	Enforcement of unfair terms in consumer contracts
Secondary legislation made under the Development of Tourism Act 1969	
Tourism (Sleeping Accommodation Price Display) Order 1977	Power of entry and inspection.
Secondary legislation made under the Financial Services & Markets Act 2000	
Money Laundering Regulations 2007	Pursuant to arrangements made with the Office of Fair Trading (reg. 40) Power to request information, records and attendance of persons to answer questions. Powers of entry, inspection, take copies of documents and entry by warrant. Upon failure by a person to provide information, power (pursuant to arrangements made with the Office of Fair Trading) to make an application to the courts requesting person to take certain action.

Legislation enforced by Bromley Public Protection Division
(Public Protection and Safety Portfolio – Delegation (26))

Public Health (Control of Disease) Act 1984
as amended by Health and Social Care Act 2008

Section	Power
45M	Apply for orders under part 2A
46	Duty of the La to bury or cremate a body where no other arrangements made
48	Power to apply to Court for an order removing a body to a mortuary
61	Power of entry for appointed 'Proper Officer'
62	Supplementary powers as to entry
64	Power to prosecute

The Health Protection (Local Authority Powers) Regulations 2010

Section /Regulation	Power
2	To serve / review vary or revoke a notice to keep a child away from school when a child is or may be infected or contaminated
3	To serve notice on a head teacher of school to provide names addresses and contact numbers of pupils
4	To disinfect or decontaminate things at the request of the owner and charge for the service
5	To disinfect or decontaminate things at the request of a person with custody or control of the things and charge for the service
6	To disinfect or decontaminate premises at the request of the owner and charge for the service
7	To disinfect or decontaminate things at the request of the tenant and charge for the service

8	Power to serve notice on a person or groups requesting co-operation for health protection purposes. Offer compensation
9	Serve notice on the person having charge or control of premises in which a dead body is located prohibiting contact with the body
10	Serve notice on the person having charge or control of premises in which a dead body is located prohibiting entry to the room in which the body is located
11	To relocate or cause to be relocated a dead body

Health Protection (Notification) Regulations 2010

Section / Regulation	Power
	Appointment of the 'Proper Officer' for the receipt of information and notifications
Regulation 6	Duty of the Proper Officer to disclose a notification to the Health Protection Agency and or Proper Officer of another LA or Port Authority

Health Protection (Part 2A Order) Regulations 2010

Regulation 7	Power to charge in connection with Part 2A orders relating to things and premises
--------------	---