

TABLE 1

A. CHIEF EXECUTIVE AND DIRECTORS - GENERAL POWERS

The Chief Executive and, for the purposes of those powers and duties which they are respectively authorised to discharge, Executive Directors and Directors, are authorised to take the following actions and measures:-

1. all actions and measures which are authorised by the Council's Contract Procedure Rules and Finance Procedure Rules.
2. authorising the Borough Solicitor to institute proceedings to recover monies due to the Council and/or to recover land owned by the Council.
3. authorising Officers to exercise powers to enter land, to exercise powers of inspection, seizure and to detain goods.
4. respond to requests under Data Protection and Freedom of Information legislation
5. make ex gratia payments to staff under Section 265 of the Public Health Act 1875 in respect of claims relating to damage or injury resulting from the actions of service users or in carrying out the Council's functions.
6. submit or authorise the submission of planning applications to the Council.

B. CHIEF EXECUTIVE

The Chief Executive is authorised to:-

1. take such measures as are appropriate in his or her capacity as the Head of the Paid Service.
2. take such steps as are properly required to ensure the effective implementation of the decisions of the Council, its Committees and Sub-Committees and the Executive.
3. act as Returning Officer.
4. witness and receive Declarations of Acceptance of Office and receive Declarations of Resignation of Office under Section 84 of the Local Government Act 1972.

In his/her absence the functions of the Chief Executive set out at paragraphs 1, 2 and 4 above will be vested in the Deputy Chief Executive. References to the Chief Executive in other parts of the Council's Constitution should in his/her absence be read and construed as referring to the Deputy Chief Executive.

The Chief Executive is designated as the Council's Electoral Registration Officer (the Head of Democratic and Registration Services is designated as the Deputy Electoral Registration Officer)

5. The Chief Executive (or Deputy Chief Executive in the Chief Executive's absence) may cancel a meeting of the Council, its Committees, the Executive or its Committees where the agenda has already been issued if it is considered expedient

to do so. The Chief Executive (or Deputy Chief Executive) shall not exercise such power without prior consultation with the Mayor, the Leader or the Committee Chairman (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.

6. Has responsibility for Community Engagement and Equalities
7. Has responsibility for the provision of grants to voluntary organisations

C. EXECUTIVE DIRECTOR OF DELIVERY

Operational and Corporate Management

The Director of Delivery is authorised to:-

- 1 secure and make arrangements for the provision of the following services to the Council:-
 - (a) Legal
 - (b) Information and Communications Technology
 - (c) Democratic and Registration Services, including administrative support to the Council, Scrutiny Bodies and Regulatory Committees, the Executive, appeals and review processes; the management, repair and maintenance of the Council's Civic Offices, the provision of catering services for the Civic Offices and the provision of a courier service for the delivery of Council documents
 - (d) Property Services, including Facilities Management
 - (e) Customer Services, including Revenue Services
 - (f) Contract services (save for those that are otherwise expressly delegated to other Directors)
 - (g) Services relating to Leisure, Arts & Culture including Library functions under the Public Libraries and Museums Act 1964
 - (h) Services related to the disposal of the dead, cemeteries and crematoria
 - (i) Forestcare
 - (j) Bracknell Market
- 2 Secure the provision of the following Public Protection Partnership functions
 - (a) Management of caravan sites, including allocation of pitches and removal of caravans
 - (b) Functions under the Building Act 1984, and all other legislation relating to dangerous buildings and structures, protection of buildings, ruinous and dilapidated buildings and neglected sites and building control save for functions under the Town and Country Planning Acts.

- (c) That excepting the power to designate whether an area should be (a) subject to additional licensing (Section 56), and (b) subject to selective licensing (Section 80), to exercise all the powers and perform all of the duties of the Council under Parts 1,2,3,4 and 7 of the Housing Act 2004
- (d) Functions relating to licensing (including as responsible authority), registration and permits.
- (e) General duties under the Regulatory Enforcement and Sanctions Act 2008
- (f) Functions relating to weights and measures, fair trading, trade descriptions, consumer safety and trading standards
- (g) Enforcement and inspection functions, and related powers, under legislation relating to Health and Safety at work.
- (h) Functions relating to public health protection (excluding any functions which are the responsibility of the Director of Public Health or otherwise fall to be discharged by the Council under legislation relating to the National Health Service) including food safety and quality (including certificates in respect of the export and import of food products) pest control and notifiable diseases.
- (i) Functions relating to water quality, contaminated land, smoke control, pollution control, statutory nuisances, clean air and air quality.
- (j) Functions relating to the recycling, the collection, disposal, management and regulation of waste.
- (k) Functions relating to the processing and licensing of scrap metal merchants.
- (l) Functions relating to street maintenance and grounds maintenance.
- (m) Functions relating to weighbridges.
- (n) Functions relating to Emergency Planning
- (o) Functions relating to dogs and animal welfare
- (p) Functions under the Berkshire Act 1986
- (q) Under Antisocial Behaviour legislation relating to:-
 - Antisocial Behaviour Orders where the securing of such Orders is considered appropriate in connection with any other functions delegated to the Director of Environment and Leisure.
 - Fixed Penalty Notices for graffiti and fly-posting.
 - The sale of aerosol paints to children.
- (r) Functions relating to the Coroner's Service.
- (s) Functions relating to Explosives.

- (t) Functions relating to public conveniences, septic tanks, cesspools and private sewers.
 - (u) Functions relating to dealing with objections to the granting of bookmakers permits and betting office licences
 - (v) Functions under Part 1 of the Health Act 2006 and under the Smoke Free (Premises and Enforcement) Regulations 2006.
- 3 Make arrangements for Mayoral transport and other Member support.
 - 4 Maintain a Register of Members' Interests and Members' Allowances.
 5. Make arrangements for collection of Council Tax and Non Domestic Rates

6. Exceptions and Limitations

- 6.1 Functions which the Licensing Act 2003 requires, or guidance issued by the Secretary of State there under advises, should be carried out by the Council, a Committee or Sub-Committee. Including the approval of model conditions^{2.6}
- 6.2 the setting of stall rentals or the letting of contracts for the operation of Bracknell market.
- 6.3 the approval of the Emergency Plan.
- 6.4 the designation of litter control areas.
- 6.5 the designation of smoke control areas.
- 6.6 the approval of policies as to waste receptacles.

D EXECUTIVE DIRECTOR OF PEOPLE

1. Subject to the exceptions, limitations and reservations set out below the Executive Director of People is authorised to exercise all the powers and perform all the duties of the Council in respect of the following functions:-

1.1 **Children and Young People**

Those functions:-

- (a) which the Council is required to appoint a Director of Children's Services for under Section 18 of the Children Act 2004 but including those functions which are referred to in Section 18(3)(a) to (d) of the said Section 18 and any functions which may be prescribed pursuant to Section 18(3)(e).

1.2 **Youth Service**

The Council's functions in respect of the provision of a youth service.

1.3 **Complaints**

The taking of action (including the making of compensatory awards) on the recommendation of a Complaints Review Panel established in respect of any function for which the Director is responsible under paragraph 1.1 above.

1.4 **Adult Social Care**

Those functions which are “social services functions” within the meaning of the Local Authority Social Services Act 1970 other than those functions which are delegated to the Director of People including arranging for the removal to suitable premises of persons in need of care and attention under Section 47 of the National Assistance Act 1948

1.5 **Health Services**

Functions under legislation relating to Health services save insofar as they are delegated to any other Director.

1.6 **Complaints**

The taking of action (including the making of compensatory awards on the recommendation of a Complaints Review Panel established in respect of any function for which the Director is responsible under paragraph 1.1 above.

1.7 **Housing**

- (a) As local housing authority and under legislation relating to housing.
- (b) Relating to Housing Benefits.
- (c) The negotiation and conclusion of nomination agreements with registered social landlords or similar organisations under which the Council secures the maximum nomination rights allowed by law and any relevant consents.
- (d) Under Parts VI, IX, X and XI of the Housing Act 1985.

1.8 **Miscellaneous**

- (a) Varying and waiving charges to service users or their parents
- (b) Discretion to pay an applicant’s legal expenses in applying for and obtaining Orders under Section 8 of the Children Act 1989 and Adoption Orders in respect of a child in care.
- (c) Discretion to make payments to holders of Residence and Adoption Orders for children previously in care where agreed prior to the Order being applied for and (in exceptional circumstances) subsequent to an Order.

- (d) Giving consent for the marriage of a young person in care under Section 3 of the Marriage Act 1949.
- (e) Determining applications of children and young persons in care who wish to join Her Majesty's Forces.
- (f) To act as a receiver in all matters in respect of persons under 18.
- (g) To nominate potential governors in consultation with the Executive Member for Children, Young People & Learning and relevant local members, plus former members of the Education Governor Nominations Committee.
- (h) Administering the Disabled Persons Badge Parking Scheme.
- (i) To act as a receiver in all matters in respect of persons aged 18 or over.

2 Exceptions and Limitations

2.1 In respect of all of the functions referred to above:-

- (a) The approval of all statutory plans.
- (b) The formulation and approval of all policies (other than those concerning day to day management of the People Directorate including those relating to:-
 - (i) Home to School Transport
 - (ii) Denominational School Transport
 - (iii) School Admissions
 - (iv) School Meals
 - (v) Student Awards
 - (vi) Special Educational Needs
- (c) Approving bids for expenditure qualifying for Government grants.

2.2 In paragraph 1.1 above:-

- (a) Significant variations to the Scheme of Local Management of Schools and Special Education and the suspension or withdrawal of delegated budgets to schools.
- (b) Reorganisations deriving from reviews of primary, secondary and special education and the publication of statutory notices in connection therewith and the consequent necessary recommendations to the School Organisation Committee.

- (c) Arrangements for Member-level liaison and consultation of school governing bodies, head teachers and staff associations and other bodies involved in the provision of education.
- (d) Authorising the constitution of the Secure Accommodation Review Panel.
- (e) Approving day care reviews under Section 19 of the Children Act 1989.
- (f) Hearing Stage 3 complaints under Section 26 of the Children Act 1989.
- (g) Approving further delegations of the Education Service budget to schools.
- (h) The introduction of a Direct Payment Scheme.
- (i) The formulation and approval of all policies (other than those concerning day to day management of the Adult Social Care, Health and Housing Department).
- (j) Approving bids for expenditure qualifying for Government grants.

2. 3 In respect of Paragraph 1. 7 above-

- (a) setting of rent levels.
- (b) section 17, Housing Act 1985 (acquisition of land for housing purposes).
- (c) section 19, Housing Act 1985 (appropriation of land).
- (d) section 23, Housing Act 1985 (Making of byelaws).
- (e) consideration of periodical review of housing needs.
- (f) section 27A, Housing Act 1985 (management agreements).
- (g) disposal of land other than council houses under the “Right to Buy” legislation, freehold reversions, small land sales and licences to occupy or access council land.
- (h) section 102, Housing Act 1985 (variation of terms of secure tenancies).
- (i) determination of arrangements for consultation with tenants, pursuant to section 105, Housing Act 1985.
- (j) determination of Housing Allocation Scheme.
- (k) warrants for possession of dwellings may only be sought after consultation with a designated member of the Executive.

F. DIRECTOR OF PLACE, PLANNING & REGENERATION

- 1 Subject to the exceptions and limitations set out in Paragraph 2 below, the Director of Place, Planning & Regeneration is authorised to exercise the functions of the Council:-
 - 1.1 Relating to trees and hedgerows.
 - 1.2 As Highways Authority, Street Authority, Traffic Authority, Local Traffic Authority and all other legislation relating to highways, transportation (including car and lorry parks), street management, street works and/or management and rights of way save for functions otherwise reserved to the Executive Director Delivery
 - 1.3 Under the Building Act 1984, and all other legislation relating to dangerous buildings and structures, protection of buildings, ruinous and dilapidated buildings and neglected sites and building control save for functions under the Town and Country Planning Acts.
 - 1.4 Relating to recreation and open spaces
 - 1.5 To appoint independent surveyors in the event of a Party Wall dispute.
 - 1.6 Relating to flooding and drainage (including Land Drainage and functions under the Flood and Water Management Act 2010) save for functions otherwise reserved to the Executive Director Delivery
 - 1.7 Relating to all planning functions under Town and Country Act 1990 (as amended) and Planning and Compulsory Purchase Act 2004.
 - 1.8 Applications made under The Conservation of Habitats and Species Regulations 2017.

2. Exceptions and Limitations

- (a) applications (including applications to vary planning obligations but not including applications for Certificate of Lawful Use) which any single Member of the Council expressly requests should be determined by the Planning Committee, provided that the request is supported, in writing, by a valid planning reason. This exception does not apply to determination of Prior Approvals under paragraph A4 of Part 1 Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification).
- (b) applications (including applications to vary planning obligations but not including applications for Certificate of Lawful Use) attracting more than five valid planning objections from different households or other organisations before a delegated decision is made, may not be allowed by the Director Place Planning and Regeneration. This exception does not apply to determination of Prior Approvals under paragraph A4 of Part 1 Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification.)

- (c) applications (including applications to vary planning obligations but not including applications for Certificate of Lawful Use) attracting between three and five valid planning objections from different households or other organisations before a delegated decision is made, may only be allowed by the Director Place Planning and Regeneration if he considers it appropriate to do so following reference to the Chairman of the Planning Committee and Ward Councillors. This exception does not apply to determination of Prior Approvals under paragraph A4 of Part 1 Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification.)
- (d) Determination of whether an application under 2 (a) or (b) above from a member of Council staff whose role involves working directly with the Planning division should be referred to the Planning Committee. (Refer to Protocol for Members dealing with Planning matters for consideration of Applications from any Council Chief Officer)
- (e) vary or release agreements made pursuant to Section 52 of the Town & Country Planning Act 1971 (whether made pursuant to other legislation or not) which either any single Member requests should not be determined by the Chief Officer or objections arise from more than three households and/or organisations
- (f) applications which, if approved, would be contrary to the Development Plan.
- (g) applications for schemes which the Director Place Planning and Regeneration is responsible for promoting.
- (h) authority to authorise the Borough Solicitor to issue/withdraw/waive or relax Enforcement Notices, Stop Notices and Listed Building Enforcement Notices shall only be given following consultation with the Chairman of the Planning Committee.
- (i) the final approval of Local Development Documents and in respect of Development Plan Document approval for submission for examination in public.
- (j) the designation of Conservation Areas.
- (k) the revocation of planning permission.
- (l) the approval of a Supplementary Planning Document for public inspection.
- (m) decisions to modify a planning permission under Section 97 of the 1990 Act are not delegated, and
- (n) non-material amendments to a planning permission or approved plans should not be approved other than pursuant to an application under Section 96A of the 1990 Act.
- (o) confirmation of decisions to remove or restrict Permitted Development rights.
- (p) Confirmation of Tree Preservation Orders where five or more valid objections from different households have been received.

- (q) authorisation for the Borough Solicitor to enter into Agreements under Section 72 or 278 of the Highways Act 1980 can only be given where works to the highway and/or widening of the highway are required as part of a scheme for which planning consent has been obtained or which has been approved by, or on behalf of, the Executive.
- (r) construction of road humps and approval to traffic calming works.
- (s) street naming and renaming, numbering and renumbering should be carried out in accordance with the procedure agreed by the Planning and Transportation Committee on 1 October 1998.
- (t) applications for consent to hold social events on a highway may only be determined following consultation with the relevant Executive Member, Ward Councillors, the Police and the relevant Town or Parish Council.
- (u) Traffic management schemes and minor road improvements may only be authorised up to a maximum of £50,000 per scheme and if Ward Councillors have raised no objection, provided that any such works may be authorised where they are required urgently in the interests of road safety.
- (v) authority to enter into Public Path Creation Agreements is limited to where there is no Capital payment by the Council.
- (w) authority to instruct the Borough Solicitor to make Traffic Orders in respect of approved schemes is limited to where no objection has been received.
- (x) the making of a Gating Order
- (y) the designation of streets under street trading legislation (the Director may take steps preliminary to the designation).

G. DIRECTOR: FINANCE

- 1 The Director: Finance is authorised to:-
 - 1.1 Take all appropriate steps and measures to discharge the functions for the administration of the financial affairs of the Council, under Section 151 of the Local Government Act 1972.
 - 1.2 Arrange insurance on behalf of the Council.
 - 1.3 Authorise the Borough Solicitor to institute legal proceedings to recover monies due to the Council.
 - 1.4 Invest surplus monies in accordance with the Council's approved investment policies.
 - 1.5 Raise loans as required.
 - 1.6 In consultation with the Executive Director: People and the Borough Solicitor act in the administration of:-

- (a) an estate of a deceased person where a child or young person for whom the Council has parental responsibility has an interest in the estate, or
 - (b) a child or young person who has died whilst in the care of the Council.
- 1.7 Jointly with the Borough Solicitor, accept and manage money or other gifts from third parties for, and on behalf of, children or young persons.
- 1.8 Write-off irrecoverable debts.
- 1.9 To discharge his or her functions and exercise his or her powers under Contract Standing Orders and Financial Regulations.
- 1.10 Jointly with the Assistant Director: Housing, subject to consultation with the Assistant Director: Property, to determine requests to waive repayment of discounts on “Right to Buy” disposals of Council housing (Section 185 of the Housing Act 2004).
- 1.11 The approval of grants for the renewal or improvement of housing

H. BOROUGH SOLICITOR

- 1 The Borough Solicitor is authorised to:-
1. Make such orders, issue such notices and execute such agreements and instruments as are necessary to give effect to any decision or authorisation of the Council, its Committees, Sub-Committees, the Executive or of an Officer acting within the scope of his or her authorised powers.
 2. On behalf of the Council, to defend, institute, participate in, appeal from, settle or abandon any legal proceedings whether administrative, civil or criminal in any court arbitration or tribunal where such action is necessary to give effect to decisions of the Council or in any case where the Borough Solicitor considers that such action is necessary to protect the Council's interests.
 3. Pursuant to Section 223 of the Local Government Act 1972 and other relevant legislation and Practice Directions, authorise persons other than solicitors or barristers to represent the Council in legal proceedings.
 4. Determine whether inspection of a document in the possession of the Council should not be allowed on the grounds that it is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
 5. Certify or authenticate any matter requiring certification or authentication on behalf of the Council.
 6. Determine applications for formal registration or certification made in pursuance of any legislation conferring such a function upon the Council in any cases where a Director is not authorised to take such action.
 7. In consultation with the Executive Director People and Director: Finance act in the administration of:

- (a) an estate of a deceased person where a child or young person for whom the Council has parental responsibility has an interest in the estate, or
 - (b) a child or young person who has died whilst in the care of the Council.
8. Jointly with the Director: Finance accept and manage money or other gifts from third parties for, and on behalf of, children or young persons in care.
 9. Exercise the Council's powers to be a Trust Corporation.
 10. Exercise the Council's powers and duties in relation to commons and town and village greens.
 11. Act as the Monitoring Officer.
 12. To discharge his or her functions and exercise his or her powers under Contract Standing Orders and Financial Regulations.
 13. To discharge the Council's functions under the Data Protection and Freedom of Information legislation.
 14. To determine nominations for Assets of Community Value

I. ASSISTANT DIRECTOR: PROPERTY

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|----------|---|---|---|--|--|
| 1 | To authorise the acquisition of a freehold purchase in accordance with the Council approved release of funding, pursuant to that objective. (Except for all commercial investment based property acquisitions which are delegated to the Executive Committee) | <u>Up to £400,000</u> Assistant Director: Property | <u>£400,001-£1m</u> Executive Director: Delivery and Executive Member with advice from Assistant Director: Property | <u>Over £1M</u> Executive Member with advice from Assistant Director: Property and Executive Director: Delivery | |
| 2 | To authorise the disposal of a freehold or long leasehold (a lease of more than 21 years at commencement) subject to: i) the property being declared surplus by the Directorate responsible for the asset and ii) Asset Management Group having no alternative use to recommend | <u>Up to £200,000</u> Assistant Director: Property | <u>£200,001-£400,000</u> Executive Member with advice from Assistant Director: Property and Executive Director: Delivery | <u>£400,001- £1m</u> Reserved to Executive | <u>Over £1M</u> Reserved to Executive |

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| 3 | To authorise the grant of leases, agreements for leases or tenancy agreements, or options for any term at a rent or a licence fee up to £100k per annum. | Assistant Director: Property following agreement with the Executive Director Delivery |
| 4 | To authorise the grant of leases, agreements for leases or tenancy agreements, or options for any term at a rent or a licence fee above £100k per annum. | Assistant Director: Property following agreement with the Executive Director of Resources and Executive Member |
| 5 | To negotiate and complete consents, rent reviews and lease renewals (whatever the term) and give and receive statutory notices under all Landlord and Tenant legislation. | Assistant Director: Property Assistant Director: Property where terms are provided for in statute or within the provisions of the Lease. Otherwise following agreement with the Executive Director Delivery and Executive Member |
| 6 | To grant a wayleave or easement to statutory undertakers at the best terms reasonably available. | Assistant Director: Property following agreement with the Executive Director Delivery |
| 7 | To grant or take a grant of any Licence or Tenancy At Will: (a) up to £100,000 p.a. (b) over £100,000 p.a. | Assistant Director: Property Assistant Director: Property following agreement with the Executive Director Delivery |

In addition to the above, the Assistant Director: Property has delegation to:

- a) Agree all payments in connection with the acquisition of land under Compulsory Purchase Powers, including home loss and disturbance payments.
- b) Authorise the service of Notices under Landlord and Tenant legislation and other Agreements in respect of land.
- c) To negotiate and enter into any necessary arrangements for the surrender of leasehold interests to or by the Council on the best terms available.
- d) To take any action under the terms of a transfer of land to or by the Council, lease or licence, relating to the use, ownership or the occupation of land.
- e) To maintain the Council's terrier land records and other related property information.

L HEAD OF DEMOCRATIC & REGISTRATION SERVICES

1. The Head of Democratic & Registration Services is authorised to discharge the Council's functions in connection with civil registration services and electoral registration.

M DIRECTOR: OD, TRANSFORMATION AND HR

1. The Director OD, Transformation and HR is authorised to sign Settlement Agreements to settle Employment disputes including those pursuant to Employment Tribunal proceedings.

N DIRECTOR OF PUBLIC HEALTH

1. The Director of Public Health has delegated authority for those matters which they are required to be responsible for under the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) including:
 - a) the duty imposed upon the Council to "take such steps as it considers appropriate for improving the health of the people in its area"
 - b) any public health functions of the Secretary of State which he requires local authorities to discharge on his/her behalf
 - c) dental health functions of the Council
 - d) the duty to co-operate with the prison service to secure and maintain the health of prisoners
 - e) the Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services
 - f) arrangements for assessing the risks posed by violent and sexual offenders.