

Sub-Delegation Scheme

¹ Chief Planning Officer

Signed² 

Dated: 30.05.2018

Review Date ³	Initial of reviewing officer

¹ Insert title of Director here

² Approving a sub-delegation scheme should be treated as a Significant Operational Decision, and the Delegated Decision Notice, together with supporting report, and the scheme should be published on the Council's website.

³ This scheme is first made at the beginning of the Municipal Year following delegations being made by the Leader and at the Annual Council Meeting. After this the sub-delegation scheme should be kept under review to ensure that it is up to date and fit for purpose – use this table to record the dates when the scheme is reviewed if no changes are necessary.

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Introduction

The⁴ Chief Planning Officer is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Full Council and the Executive. Each Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Full Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Part 3 of the Council's Constitution. Follow these links to find delegations in relation to [Council Functions](#) and [Executive Functions](#).

The Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Director delegates functions to a fellow Director he/she makes it clear in this sub-delegation scheme whether that Director can sub-delegate those functions. This scheme details the officers who can carry out each function on the Director's behalf, together with the details of any terms and conditions which the Director has imposed on that sub-delegation (examples can be found in footnote⁵ below). All officers are bound by the [Employee Code of Conduct](#) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Director may indicate that the authority should not

⁴ Insert title of Director here.

⁵ The Director may limit the delegation by imposing a term or condition, for example he/she may:-

- Impose a financial limit (e.g. decisions up to and including £100,000 per annum in value);
- Impose a limit in relation to the category of the decision (e.g. Administrative decisions only);
- Require that certain decisions are referred to the Director or another senior officer (e.g. Key decisions to be referred to the Chief Officer (Environmental Action));
- Require an officer to consult specified people before making a particular type of decision (e.g. in consultation with the City Solicitor or in consultation with relevant ward Members);
- Limit decisions to those within an officer's role (e.g. in relation to matters within their remit);
- Limit decisions to those relating to a specific function or project (e.g. decisions relating to the Basic Need Programme);

be exercised, in respect of any individual matter. In either case that matter should be referred to the Director for a decision or for referral to the relevant Committee if appropriate.

In some circumstances not all Directors have functions delegated to him/her in the delegation scheme. In these cases the relevant part of this sub-delegation scheme is marked as 'not applicable'.

Where the Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Director unless the absence provisions at the end of this scheme apply.

Glossary

Council Functions	Functions which must be carried out by or on behalf of full Council. Functions which are reserved to Full Council can be found here . Other Council functions are delegated to Committees of Elected Members or to individual officers.
Elected Members	Councillors elected by the citizens of Leeds.
Executive Board	The group of 10 Elected Members including and selected by the Leader, responsible for carrying out Executive functions.
Executive Functions	Functions which must be carried out by or on behalf of the Executive.
Full Council	The meeting of all 99 Elected Members of Leeds City Council
Functions	Things which Leeds City Council must or may do. All functions are set out in legislation which will state whether the function is permissive or mandatory.
Leader	The Leader of Council, elected by all 99 Members of Council. (Usually the chosen leader of the largest political group represented at full Council.)
Local Choice Functions	The Council must decide whether these functions should be treated as Council functions or Executive functions. Details of the responsibility for these functions can be found here .
Officers	Staff employed by the Council.

Relevant Executive Member	The Leader gives Portfolios of responsibility to individual members of Executive Board. Details of specific responsibilities are set out in the <u>Executive Members Portfolios</u> and <u>Overview of Executive Member's Roles and Responsibilities</u> .
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Group Delegations – Definitions and Priorities

The Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

Group Title	Officers included in group authorisation	Order of responsibility
None		

Delegation of Functions Under Articles

The functions set out in this part of the sub-delegation scheme are delegated to the Director by Full Council through the relevant Article of the Constitution.

General Delegations

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to all Directors, for matters within his/her Director's remit only.

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
14.5	To sign as agent for the Council all contracts of a value below £100,000 agreed to be entered into by the Council or any part of it	Not delegated as included in sub-delegation scheme of Director of City Development	

Council Functions –

Introduction

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)⁶ which have been delegated to the Director by Full Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with [Article 13](#) and taken in accordance with [the Access to Information Procedure Rules](#)⁷.

Where a Significant Operational Decision is taken in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice, both of which can be found in the [Decision Making Toolkit](#). The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. The decision may be implemented immediately.

⁶ And those Local Choice Functions which are the responsibility of Full Council and have been delegated to the Director

⁷ These rules incorporate the requirements of the Openness of Local Government Bodies Regulations 2014 in relation to the publication of written records of relevant decisions.

Council Functions –

General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
General			
(a)	To make payments or provide other benefits in cases of maladministration	Not delegated as included in sub-delegation scheme of Director of City Development	
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer	Not delegated as included in sub-delegation scheme of Director of City Development	
Personnel			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	Not delegated as included in sub-delegation scheme of Director of City Development	

	Function Delegated	Officer to whom delegated	Terms and Conditions
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	Not delegated as included in sub-delegation scheme of Director of City Development	
(c)(iii)	To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations	Not delegated as included in sub-delegation scheme of Director of City Development	
Byelaws			
(d)	The enforcement of byelaws	Not delegated as included in sub-delegation scheme of Director of City Development	

Council Functions –

Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Director includes in relation to those authorisations the power to:-

- a) Impose conditions, limitation or restrictions;
- b) Determine any terms to which they are subject;
- c) Determine whether and how to enforce any failure to comply;
- d) Amend, modify, vary or revoke; and
- e) Determine whether a charge should be made or the amount of such a charge.

	Function Delegated	Officer to whom delegated	Terms and Conditions
(a)	To determine applications for planning permission and to make recommendations to Plans Panel for the determination of applications for planning permission	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management)	
		Principal Planning Officers (Development Management)	Principal Planning Officers (Development Management) do

			not have the powers to determine major applications. These functions do not include the power to revoke planning permissions.
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals Team)	Powers limited to minerals, waste, energy and engineering operations.
		Senior Planning Officer (Minerals Team)	Powers limited to the making of recommendations to Plans Panel
(i)	To screen applications and development proposals and make determinations as to the need for an Environmental Impact Assessment	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management) - Principal Planning Officers (Development Management)	
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals Team)	Powers limited to minerals, waste, energy and, engineering operations.

(ii)	To give opinions as to the scope of an Environmental Impact Assessment	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals Team)	Powers limited to minerals, waste, energy and engineering operations.
(iii)	To determine matters reserved by conditions of planning permission.	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers (Development Management)	

		Principal Compliance Officers	Powers are limited to such applications as are not major, as arising on enforcement appeals.
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(iv)	To give an officer opinion that an amendment to a planning or listed building application is non-material	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management) - Principal Planning Officer (Development Management)	
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations
(v)	To give an officer opinion that a development is "permitted development" or does not require planning permission for some other reason	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management)	

		• Project Manager PFI (Development Management) • Principal Planning Officers (Development Management) • Principal Compliance Officers • Technical and Customer Support Team Leader • Customer Services Manager • Senior Customer Services Officer.	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(b)	To determine applications to develop land without compliance with conditions previously attached	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.

(c)	To grant planning permission for development already carried out	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(d)	To decline to determine an application for planning permission	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers (Development Management)	
		• Minerals and Waste Team Leader	Powers limited to minerals, waste, energy and engineering operations.

		Principal Planning Officer (Minerals)	
(e)	Duties relating to the making of determinations of planning applications	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management) - Principal Planning Officers (Development Management)	
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(f)	To determine applications for planning permission made by a local authority, alone or jointly with another person	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management) - Principal Planning Officers (Development Management)	

		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations..
(g)	To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management) - Principal Planning Officers (Development Management)	Not to determine whether a charge should be made or the amount of such a charge
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	- Powers limited to minerals, waste, energy and engineering operations. - Not to determine whether a charge should be made or the amount of such a charge
(h)	To enter into agreement/planning obligation and accept a unilateral obligation regulating development or use of land	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Principal Compliance Officers - Team Leaders (Development Management)	

		• Project Manager PFI (Development Management) • Principal Planning Officers (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations
(i)	To take legal proceedings for failure to fulfil the requirements of a s106 planning obligation under the Town and Country Planning Act 1990 and to take action in default for failure to comply	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers	
(ii)	To modify or discharge a planning obligation by agreement with the parties to it. To determine applications for modification, variation or discharge of planning obligations under s106A	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers (Development Management)	
		• Principal Compliance Officers	Powers limited to such applications as are not major, as relating to

			enforcement cases, including appeals.
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(i)	To issue a certificate of existing or proposed lawful use or development	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management) - Principal Planning Officers (Development Management) - Principal Compliance Officers	Powers to be undertaken in consultation with the City Solicitor
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	- Powers to be undertaken in consultation with the City Solicitor - Powers limited to minerals, waste, energy and engineering operations
(j)	To serve a completion notice	- Head of Development Management - Group Manager (Area Planning)	

		• Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(k)	To grant consent for the display of advertisements	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers (Development Management) • Principal Compliance Officers	
(i)	To require the discontinuance of an advertisement display	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management) • Project Manager PFI (Development Management)	

(ii)	To take legal action against any unauthorised advertisement display	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Principal Compliance Officers • Project Manager PFI (Development Management) • Director of Communities and Environment (with the power to sub-delegate)	
(iii)	To obliterate or remove any unlawfully displayed placard or poster	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Senior Compliance Officers • Compliance Officers • Director of Communities and Environment (with the power to sub-delegate)	
(I)	To authorise entry onto land	• Head of Development Management • Group Manager (Area Planning)	

		• Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management) • Project Manager PFI (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
		• Team Leader (Contaminated Land)	Powers limited to contaminated land matters.
(i)	Authority to apply to the Court for a warrant to entry onto land	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management) • Project Manager PFI (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.

		• Team Leader (Contaminated Land)	Powers limited to contaminated land matters.
(m)	To require the discontinuance of a use of land, the imposition of conditions on the continuance of any use or alteration or the removal or alteration of any buildings or works. To take legal action and/or action in default for any failure to comply.	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Compliance Officers	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations. .
(i)	To take action for the revocation or modification of a planning permission including hazardous substance consent.	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management)	

		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy, engineering operations and hazardous substance consent.
(n)	To issue a temporary stop notice or take legal action for any failure to comply	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning)	
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations
(o)	To serve a planning contravention notice, breach of condition notice or stop notice and take legal action for any failure to comply	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning)	
		- Team Leaders (Development Management) - Project Manager PFI (Development Management) - Principal Compliance Officers - Senior Compliance Officers	Powers limited to serving a planning contravention notice or breach of condition notice
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations Powers limited to authorising the serving of a

			planning contravention notice or breach of condition notice.
(p)	To issue/vary and withdraw an enforcement notice. To take legal action and/or action in default for failure to comply.	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management) • Project Manager PFI (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	• Powers limited to minerals, waste, energy and engineering operations. • Powers to be undertaken in consultation with the City Solicitor
(i)	Where a breach of planning control is identified to determine that enforcement action is not expedient	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Compliance Officers	

		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(q)	To apply for an injunction restraining a breach of planning control	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning)	
		Minerals and Waste Team Leader	Powers limited to minerals, waste, energy and engineering operations.
(r)	To determine applications for hazardous substances consent, and related powers	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management)	
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	
(s)	To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning)	

	permissions relating to mining sites, as the case may be, are to be subject.	• Team Leaders (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(t)	To require proper maintenance of land in the interests of amenity and to take legal action and/or action in default for any failure to comply.	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Head of Building Control • Director of Communities and Environment (with the power to sub-delegate)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals) • Senior Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.

(u)	To determine applications for listed building consent, and related powers	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	• Powers limited to minerals, waste, energy and engineering operations.
(i)	To determine applications for variation or discharge of conditions on applications for listed building consent	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officers(Development Management)	

		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(v)	Duties relating to applications for listed building consent	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management) - Principal Planning Officers (Development Management)	
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(i)	To issue a listed building enforcement notice and to take legal action and/or action in default for any failure to comply	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Principal Compliance Officers - Team Leaders (Development Management)	
(ii)	To take legal action in respect of any unlawful works carried out to a listed building		

		• Project Manager PFI (Development Management)	
(w)	To serve a building preservation notice, and related powers	• Head of Development Management • Team Leader (Conservation) • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management)	
(x)	To issue enforcement notice in relation to demolition of listed building in conservation area	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management) • Project Manager PFI (Development Management)	
(y)	To acquire a listed building in need of repair and to serve a repairs notice	• Head of Development Management • Team Leader (Conservation)	

(z)	To apply for an injunction to prevent the demolition or undertaking of unauthorised works in relation to a listed building	• Head of Development Management	
(i)	To revoke or modify a listed building consent or conservation area consent		
(aa)	To serve an urgent works notice to preserve an unoccupied listed building and to execute urgent works in default for failure to comply	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leader (Conservation)	

	Function sub-delegated by Chief Planning Officer	Officer to whom sub-delegated	Terms and conditions
	Commons Registration		
(a)	To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c67) or; (ii) an order under Section 147 of the Inclosure Act 1845 (c8&9 Vict c118)	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management)	Delegation not exercisable where objections are received
(b)	To register variation of rights of common	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management)	Delegation not exercisable where objections are received
(c)	Functions relating to the registration of common land and town or village greens	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management)	Delegation not exercisable where objections are received

	Function sub-delegated by Chief Planning Officer	Officer to whom sub-delegated	Terms and conditions
(d)	Power to apply for an enforcement order against unlawful works on common land	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management)	Delegation not exercisable where objections are received
(e)	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management)	Delegation not exercisable where objections are received
(f)	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management)	Delegation not exercisable where objections are received

	Function sub-delegated by Chief Planning Officer	Officer to whom sub-delegated	Terms and conditions
	Hedgerows and Trees		
(a)	The protection of important hedgerows	• Head of Strategic Planning • Head of Development Management • Group Manager (Environment and Design) • Team Leader (Landscape) • Nature Conservation Officer	
(b)	The preservation of trees	• Head of Strategic Planning • Head of Development Management	
		• Group Manager (Environment and Design) • Team Leader (Landscape)	May not carry out these functions where objections are received
(i)	Duty when granting planning permission for any development, to impose conditions for the preservation or planting of trees where appropriate, and to make such tree preservation orders under s198 as appear necessary.	• Head of Strategic Planning • Head of Development Management	
		• Group Manager (Environment and Design) • Team Leader (Landscape)	May not carry out these functions where objections are received.
		• Head of Strategic Planning	

	Function sub-delegated by Chief Planning Officer	Officer to whom sub-delegated	Terms and conditions
(ii)	To make, confirm (with or without modification) vary or revoke tree preservation orders	• Head of Development Management	
		• Group Manager (Environment and Design) • Team Leader (Landscape)	May not carry out these functions where objections are received
(iii)	To determine applications for works to trees covered by tree preservation orders and decide upon notifications made of proposed works to trees in conservation areas	• Head of Strategic Planning • Head of Development Management	
		• Group Manager (Environment and Design) • Team Leader (Landscape) • Tree Officer	May not carry out these functions where objections are received
(iv)	To make provision for the payment of compensation within any tree preservation order or in respect of any replanting direction and respond to any claims for compensation	• Head of Strategic Planning • Head of Development Management	
		• Group Manager (Environment and Design) • Team Leader (Landscape)	May not carry out these functions where objections are received
(v)	To issue tree replacement notices and take legal action and/or action in default for any failure to comply	• Head of Strategic Planning • Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Group Manager (Environment and Design)	

	Function sub-delegated by Chief Planning Officer	Officer to whom sub-delegated	Terms and conditions
		• Team Leader (Landscape)	
(vi)	To take legal action in respect of any action or contravention of a tree preservation order or unlawful works to trees in a conservation area	• Head of Strategic Planning • Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Group Manager (Environment and Design) • Team Leader (Landscape)	
(vii)	Duty to compile and make available a public register of specific matters relating to s211 notices		
(viii)	To authorise an application for an injunction to restrain an actual or apprehended offence to trees under Section 210 or 211	• Head of Strategic Planning	
(ix)	To apply for an injunction to restrain an actual or apprehended offence to trees under Section 210 or 211	• Head of Strategic Planning • Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning)	
(x)	To authorise entry onto land in connection with tree preservation functions	• Head of Strategic Planning • Head of Development Management • Group Manager (Area Planning)	
(xi)	Authority to apply to the Court for a warrant for entry onto land		

	Function sub-delegated by Chief Planning Officer	Officer to whom sub-delegated	Terms and conditions
(xii)	To take legal action in respect of unlawful actions relating to entry to land.	• Group Manager (Compliance & Specialist Planning) • Principal Compliance Officer • Group Manager (Environment and Design) • Team Leader (Landscape)	
	High Hedges		
(a)	Complaints about high hedges	• Head of Strategic Planning • Head of Development Management • Group Manager (Environment and Design) • Team Leader (Landscape) • Tree Officer	
		• Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers	Powers limited to the enforcement of Orders

Executive Functions –

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)⁸ which have been delegated to the Director by the Leader of Council. If the Leader or relevant Executive Member⁹ directs that the Director should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Executive Board.

Decisions in relation to these functions should be categorised in accordance with [Article 13](#) and taken in accordance with [the Executive and Decision Making Procedure Rules](#).

Where a Key Decision is proposed in relation to an Executive Function it should be publicised on the Council's web site using the Request to add a Key Decision to the 'List of Forthcoming Key Decisions' form. The decision itself should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The necessary templates can be found in the [Decision Making Toolkit](#). In most cases a Key Decision will be open to Call In and should not be implemented until the Call In period has expired.

Where a Significant Operational Decision is taken in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken. A Significant Operational Decision may be implemented immediately.

⁸ And those Local Choice Functions which are the responsibility of the Executive Board and have been delegated to the Director

⁹ See glossary.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

Executive Functions –

General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
1 Financial¹⁰			
a)	To incur expenditure and to generate and collect income in line with <u>Financial Regulations, Contracts Procedure Rules</u> and within approved revenue and capital estimates.	Not delegated as included in sub-delegation scheme of Director of City Development	
b)	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Deputy Chief Executive at the first opportunity.	Not delegated as included in sub-delegation scheme of Director of City Development	
2 Procurement¹¹			
a)	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the <u>Contracts Procedure Rules</u> .	Not delegated as included in sub-delegation scheme of Director of City Development	

¹⁰ See Financial Regulations Toolkit

¹¹ See Procurement and Category Management Toolkit

	Function Delegated	Officer to whom delegated	Terms and Conditions
b)	To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.	Not delegated as included in sub-delegation scheme of Director of City Development	
c)	Subject to the approval of the City Solicitor and the Deputy Chief Executive, to sign certificates under the Local Government (Contracts) Act 1997 in relation to contracts.	NOT TO BE SUB-DELEGATED ¹²	
3 General			
a)	Community Right to Challenge ¹³ i) In consultation with the Chief Officer (Financial Services) ¹⁴ , to make a decision on an expression of interest under community right to challenge.	Not delegated as included in sub-delegation scheme of Director of City Development	
b)	Data Protection, Human Rights, Surveillance activities, Freedom of Information ¹⁵	Not delegated as included in sub-delegation scheme of Director of City Development	

¹² In the event of the absence of the Director the certificate must be signed by the Deputy Chief Executive or City Solicitor or in their absence one of the Statutory Chief Officers or Non-Statutory Chief Officers to whom authority is delegated under the Officer Delegation Scheme (Executive Functions) General Delegations paragraph 5.

¹³ Sections 81-86 Localism Act 2011 and Community Right to Challenge (Expressions of Interest and Excluded Services)(England) Regulations 2012.

¹⁴ Or the officer to whom the Chief Officer (Financial Services) has sub-delegated this function.

¹⁵ See [Managing Information Toolkit](#)

	Function Delegated	Officer to whom delegated	Terms and Conditions
	i) To implement and ensure compliance with: - the legal rules on data protection, human rights, surveillance activities, and freedom of information - the council's policies and procedures on these matters - guidance and advice from the SIRO and from the SRO and from the DPO¹⁶ on these matters.	Not delegated as included in sub-delegation scheme of Director of City Development	
	ii) To designate officers with specific responsibilities for these matters.	Not delegated as included in sub-delegation scheme of Director of City Development	
	iii) To advise the SIRO of any new types of data processed; new ways of processing personal data; and new persons or organisations to whom data is given.	Not delegated as included in sub-delegation scheme of Director of City Development	
c)	Media ¹⁷ i) To issue statements to the press and other news media about their delegated functions within the Council's adopted Budget and Policy Framework.	Not delegated as included in sub-delegation scheme of Director of City Development	

¹⁶ The Head of Information Management and Governance has been designated as the Council's DPO (Data Protection Officer).

¹⁷ See [Dealing with the Media Toolkit](#)

	Function Delegated	Officer to whom delegated	Terms and Conditions
d)	Authorising officers¹⁸ i) To authorise officers possessing such qualifications as may be required by law or in accordance with the council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the council (however described) and to issue any necessary certificates of authority.	Not delegated as included in sub-delegation scheme of Director of City Development	
e)	Corporate procedures¹⁹ i) To take any action remitted to the Director under corporate procedures.	Not delegated as included in sub-delegation scheme of Director of City Development	
f)	Local Choice Functions (see Section 1, Part 3 of the Constitution)	Not delegated as included in sub-delegation scheme of Director of City Development	

¹⁸ This delegation gives the officer detailed power to grant authority for other officers to carry out certain statutory powers or duties (e.g. entering onto land or appearing in court). This part of the sub-delegation scheme does not detail those 'authorised officers' – Authorised officers are given separate evidence of their authority (e.g. an ID card or certificate), signed by the person named here who has the power to authorise them. Their details are kept in a separate list together with details of who authorised them, the date they were authorised and the functions for which they are authorised.

¹⁹ This function refers to any powers delegated to the Director under the Procedure Rules set out at Part 4 of the Council's Constitution which are not specifically included elsewhere (for example functions under the Financial Regulations and the Contracts Procedure Rules which are delegated at Paragraphs 1 to 4 above)

	Function Delegated	Officer to whom delegated	Terms and Conditions
	i) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000	Not delegated as included in sub-delegation scheme of Director of City Development	
	ii) To obtain particulars of persons interested in land	Not delegated as included in sub-delegation scheme of Director of City Development	
g)	Budget and policy framework i) To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework.	Not delegated as included in sub-delegation scheme of Director of City Development	
4 Personnel²⁰			
a)	Miscellaneous employment issues i) To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements.	Not delegated as included in sub-delegation scheme of Director of City Development	

²⁰ See Recruitment and Staffing Toolkit

	Function Delegated	Officer to whom delegated	Terms and Conditions
b)	Changes to staff structure i) Decisions in relation to restructures except where the decision: - involves changes to existing National or Local Agreements and policies; and/or - cannot be achieved within delegated powers in respect of budgets	Not delegated as included in sub-delegation scheme of Director of City Development	
5 Ways of Working			
a)	Partnerships i) To engage in partnerships with organisations in public, private and voluntary sector ii) To promote and influence partnership working with organisations across the city.	Not delegated as included in sub-delegation scheme of Director of City Development	
b)	Functions on Behalf of an NHS Body i) To carry out functions exercisable on behalf of an NHS body under Section 75 National Health Service Act 2006 in relation to matters within the Director's remit.	Not delegated as included in sub-delegation scheme of Director of City Development	
c)	Provision of Statutory Returns ii) To provide such statutory returns as are necessary within the Director's remit.	Not delegated as included in sub-delegation scheme of Director of City Development	

Executive Functions –

Specific Delegations

	Function sub-delegated by Chief Planning Officer	Officer to whom sub-delegated	Terms and conditions
	Any function in relation to the authority's role as a local planning authority including Development Plan functions; Planning Policy and Guidance; Neighbourhood Planning and Conservation Areas and including (a) – (o) below.	• Head of Development Management • Head of Strategic Planning	
(a)	To determine applications under section 6 of the Leeds Corporation Act 1966	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officer (Development Management)	

		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(b)	To respond to statutory consultations from neighbouring planning authorities (Article 10 of the Town and Country Planning (General Development Procedures) Order 1995)	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning) - Team Leaders (Development Management) - Project Manager PFI (Development Management)	
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations
(c)	To determine applications for Certificates of Appropriate Alternative Development (section 17 of the Land Compensation Act 1961)	- Head of Development Management - Group Manager (Area Planning) - Group Manager (Compliance & Specialist Planning)	
		- Minerals and Waste Team Leader - Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(d)	To authorise entry onto land (Section 324 of the Town and Country Planning Act 1990; Sections 88, 88A and 88B of the	- Head of Development Management - Group Manager (Area Planning)	

	Planning (Listed Buildings and Building in Conservation Areas) Act 1990; Section 36 of the Planning (Hazardous Substances) Act 1990 and Section 108 of the Environment Act 1995)	• Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals) • Team Leader (Contaminated Land)	
(e)	To make representations to the Area Commissioner in respect of applications for Heavy Goods Vehicle Operators Licenses (section 12 of the Goods Vehicles (Licensing of Operators) Act 1995)	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management) • Project Manager PFI (Development Management)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals) • Senior Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations
(f)	To make environmental and non-environmental objections relating to the suitability of the operating centre based on material planning considerations	• Head of Development Management	

	(section 12 of the Goods Vehicles (Licensing of Operators) Act 1995)		
(g)	To make representations to the Licensing Sub-Committee in respect of applications for Food and Drink Licenses and applications pursuant to the Gambling Act (Licensing Act 2003/Gambling Act 2005)	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Principal Compliance Officers • Team Leaders (Development Management) • Project Manager PFI (Development Management)	
(h)	To make representations in response to notifications for caravan sites (Caravan Sites and Control of Development Act 1960)		
(i)	To take notice in response to purchase notices served on the Council (section 137 of the Town and Country Planning Act 1990).	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning)	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations.
(j)	To take action in response to listed building purchase notices served on the Council (section 33 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990)	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leader (Conservation)	

(k)	To take action in response to blight notices served on the Council (section 150 of the Town and Country Planning Act 1990)	• Head of Development Management	
(l)	To serve notice to obtain information as to interests in land and take legal action for any failure to comply (section 330 of the Town and Country Planning Act 1990 and S16 of the Local Government (Miscellaneous Provisions) Act 1967)	• Head of Development Management • Group Manager (Area Planning) • Group Manager (Compliance & Specialist Planning) • Team Leaders (Development Management) • Project Manager PFI (Development Management) • Principal Planning Officer (Development Management) • Principal Compliance Officers • Senior Compliance Officers	
		• Minerals and Waste Team Leader • Principal Planning Officer (Minerals)	Powers limited to minerals, waste, energy and engineering operations
(m)	To make representations in response to notifications of works to listed places of worship (Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994)	• Head of Strategic Planning • Group Manager (Environment and Design) • Team Leader (Conservation)	
(n)	To make requests to English Heritage for the listing of buildings, scheduling of ancient monuments or for the inclusion of sites on the Register of Historic Parks and		

	Gardens and Battlefields and to respond to consultations from English Heritage on such requests from others (section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990)		
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Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Director in the usual course of business. These sub-delegations may only be exercised in the absence of the Director on leave²¹ or where the Director has confirmed in writing that he/she will be absent from the office and these provisions are to apply²².

Function sub-delegated by Director	Officer with authority to exercise function in absence of Director.	Terms and Conditions
Strategic Planning	Head of Strategic Planning	
Development Management (Planning applications and enforcement)	Head of Development Management	

²¹ Whether annual leave, sick leave or special leave

²² It is recommended that a delegated decision form be used to record and publish this as a Significant Operational Decision.