

Part 3, Section 14

Scheme of Delegation to Officers

It is acknowledged that the role of officers is to take operational decisions in the manner that they consider is most appropriate given their managerial and professional expertise, and that no specific delegations are required in order for officers to carry out the operational management of the services for which they are responsible.

The purpose of this Scheme of Delegation is rather to provide clarity for the undertaking of activities that for governance reasons require formal authorisation.

Formal delegations have been approved by the relevant Member body with responsibility for the particular function, and this may be Council, a Regulatory or other Committee of Council, or, in the case of executive functions, the Leader. The Scheme of Delegation is set out to make it clear which body has authorised each delegation

All the delegations within this Scheme are to be undertaken within:

- The policies and strategies of the Council within the policy framework
- Any legal constraints imposed on the Council
- The financial provision authorised by the Cabinet and the Council
- Any relevant provisions within the Constitution

This Scheme of Delegation should be read in conjunction with the Council's Financial Regulations, including the Contract Procedure Rules, and the Treasury Management Framework.

References to any Act, Regulation, Order or Byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.

Any reference to any Act of Parliament includes references to Regulations and other subordinate legislation made thereunder and to any EU legislation on which the UK legislation is based.

Subject to any express instruction to the contrary from the delegating body, any power to approve also includes power to refuse, and power to impose appropriate conditions.

Delegations to officers are subject to the right of the delegating body to decide any matter in a particular case, and the officer may in any particular case refer to the delegating body for a decision.

Generally, any power delegated to a Chief Officer may be exercised by the Chief Executive, and any power delegated to any other officer may be exercisable by the officer's Chief Officer or the Chief Executive. However, it should be noted that this is subject to any specific statutory restrictions. For example, under health and safety legislation, some powers may only be exercised by qualified "inspectors".

Any delegation to the Chief Executive may in her absence be exercised by a Chief Officer. Formal urgent decisions will be taken in consultation with the appropriate elected member(s) in accordance with the Constitution. It is anticipated that the delegated authority would be exercised, taking account of any comments from the Monitoring Officer and the Section 151 Officer, by the most appropriate Chief Officer

given the subject matter for decision, or, in the absence of that Chief Officer or where the decision is general in nature, by the Chief Officer on Senior Emergency Officer duty at the time.

The Monitoring Officer shall have power to amend the Scheme of Delegation to reflect reorganisations, changes in job titles and vacancies, where such changes result in redistributing existing delegations, and not the creation of new ones.

Any post specifically referred to in the Scheme of Delegation shall be deemed to include any successor post, and shall include any officer acting up or seconded.

Where an officer is authorised or designated by virtue of this Scheme of Delegation as an authorised officer for the purposes of any legislation, that authorisation (unless it specifically states to the contrary) shall be deemed to authorise that officer to undertake all the powers and duties of an authorised officer as are specified in that legislation. These may include (but are not restricted to) the power to enter on land, undertake inspections, serve notices (including the issue of fixed penalty notices), take samples and remove goods.

Where a power or duty is delegated to an officer, either directly under the Scheme of Delegation or through designation as an authorised officer, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the officer in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.

Functions, matters, powers, authorisations, delegations, duties and responsibilities within this Scheme shall be construed in a broad and inclusive fashion, and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything so specified.

Where a power or duty delegated under this Scheme includes at source a power to recover costs, fees or charges, the delegation shall include the power to take all necessary action to recover such fees costs or charges by way of civil debt or otherwise.

EXECUTIVE FUNCTIONS - MATTERS OF URGENCY

TO THE CHIEF EXECUTIVE

a) To do all such things as are necessary in relation to all routine matters of day to day administration and management of the Council;

(b) To authorise any action necessary to protect the safety or welfare of individuals or the safety of property; and

(c) Where it is necessary for any function of the Cabinet to be discharged and it is impracticable or impossible by reason of urgency for the matter to be considered by the Cabinet, (of if a non-key decision by the relevant portfolio holder) to take such action as he considers appropriate, in consultation, so far as practicable with the Leader and relevant portfolio holder(s).

Where action is taken under (c) above, the Chief Executive shall submit a report to the next Cabinet meeting recording the urgent circumstances which made the action necessary and detailing the action taken.

OTHER EXECUTIVE FUNCTIONS

TO THE CHIEF EXECUTIVE

To make applications to the Home Secretary for consent to make orders under the Public Order Act 1986 in response to an application from the Chief Constable, and to make the appropriate Order following the receipt of the Home Secretary's consent.

TO THE CHIEF EXECUTIVE AND ALL CHIEF OFFICERS

To determine all matters arising from the Commission for Local Administration in England (the Local Government Ombudsman) in whatever manner is appropriate, including the making of local settlements.

To attest the affixing of the Common Seal to documents.

To seek planning permission for the Council's own development or development on Council-owned land.

To grant authorisations for the purposes of Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000 (subject to the requirement for each authorisation to be approved by the Magistrates' Court).

TO THE CHIEF EXECUTIVE, ALL CHIEF OFFICERS AND ANY STAFF DESIGNATED BY A CHIEF OFFICER IN WRITING

To sign statements of truth under the Civil Procedure Rules 1998 on behalf of the Council

To serve notices under Section 16 of the Local Government Act (Miscellaneous Provisions) 1976

With regard to finance and contractual matters, to exercise any relevant authority set out in Article 14 of the Constitution and the supporting Financial Regulations and Contract Procedure Rules for Works, Goods and Services. Designation as a Responsible Spending Officer or Contract Manager will be deemed to be designation in writing by a Chief Officer for this purpose. (Note - As set out in Article 13 of the Constitution, the Key Decision financial thresholds apply to various financial and/or contractual matters and as such, the appropriate decision-making, publication and call-in arrangements also apply, as set out in the Constitution.)

In accordance with relevant legislation and any charging policy set by Cabinet, to set fees and charges for services and activities.

TO THE CHIEF OFFICER (ENVIRONMENT)

To add properties to the Register of Excluded Properties established by Cabinet in December 2005 in respect of residents' parking schemes.

To authorise the closure of Council owned public land and car parks where required to do so for operational or health and safety purposes

To designate authorised officers for the purposes of the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and the Refuse Disposal (Amenity) Act 1978, who may then act on behalf of the Council under the relevant legislation in accordance with their designation as authorised officer.

To approve the terms and conditions of market lettings.

TO THE CHIEF OFFICER (ENVIRONMENT) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To serve notices on behalf of the Council under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and the Refuse Disposal (Amenity) Act 1978.

To act on behalf of the Council as consultee under section 1E of the Crime and Disorder Act 1998 in respect of applications for Anti-Social Behaviour Orders.

Under the Anti-Social Behaviour, Crime and Policing Act 2014:

- (a) to be authorised persons for the purposes of section 53, with authority to issue a Community Protection Notice (Section 43), and/or a Fixed Penalty Notice for breach of a Community Protection Notice (Section 48);
- (b) to be authorised to issue notices under Section 47(3), Section 47(6) and 49 (6) in respect of Community Protection Notice works in default;
- (c) to have authority to authorise Community Protection Notice work in default to be carried out under sections 47(2) and (3);
- (d) to be authorised persons for the purposes of Section 63 and Section 68 (enforcement of Public Spaces Protection Orders); and
- (e) to be authorised to issue a Closure Notice for a period of up to 24 hours.

TO THE CHIEF OFFICER (GOVERNANCE)

To authorise officers to appear on behalf of the Council in Courts inquiries and Tribunals, as appropriate

To certify resolutions and documents as being true copies

To determine whether or not executive confidential or exempt reports, minutes or background papers are required to continue to be treated as confidential or exempt.

To sign official certificates of search in the register of local land charges, and in consultation with the Chief Officer (Resources) to set the fee for a local search and related inquiries in respect of land

To approve expenditure from the Member conferences budget in consultation with the relevant Cabinet Member

To approve duties for inclusion in the list of Approved Duties for the purposes of the Members' Allowances Scheme

To make orders under the Town Police Clauses Act 1847 where there are no objections to the proposed closure from either the highway authority or the police

To determine requests for review under the Freedom of Information Act 2000

To determine listing and compensation reviews in respect of assets of community value under Part 5 Chapter 3 of the Localism Act 2011

To be the Proper Officer as required by any legislation save where another officer has been so designated.

TO THE CHIEF OFFICER (GOVERNANCE) AND THE LEGAL SERVICES MANAGER

To institute, defend and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal, on behalf of the Council, and to make appropriate arrangements for such matters to be dealt with by the Council's Legal Service

To instruct Counsel or external solicitors to advise and/or represent the Council, through the Council's Legal Service

To settle or compromise any legal proceedings to which the Council is a party, in consultation with the relevant Chief Officer and the Chief Officer (Resources).

To take all steps incidental to completing or obtaining the confirmation of any Order or other formal proceedings made by the Council

To prepare any documentation necessary to bring into effect a decision of the Council or Cabinet, or any decision made under delegated authority.

TO THE CHIEF OFFICER (GOVERNANCE), LEGAL SERVICES MANAGER AND ANY OFFICER DESIGNATED BY EITHER THE CHIEF OFFICER (GOVERNANCE) OR THE LEGAL SERVICES MANAGER IN WRITING

To commence criminal or civil proceedings on behalf of the Council, and to sign statements of truth in connection with legal proceedings.

TO THE CHIEF OFFICER (GOVERNANCE) LEGAL SERVICES MANAGER, LICENSING MANAGER AND ANY OTHER OFFICER DESIGNATED IN WRITING BY THE LICENSING MANAGER

To grant, renew and vary site licences and collectors' licences under the Scrap Metal Dealers Act 2013, and to enter and inspect premises licensed under the Act.

TO THE CHIEF OFFICER (HEALTH AND HOUSING)

To serve notices and to act on behalf of the Council under the following legislation, and to designate authorised officers who may then act on behalf of the Council under the following legislation in accordance with their designation as authorised officer :

Animal Welfare Act 2006
Building Act 1984
Caravan Sites and Control of development Act 1960
Caravan Sites Act 1960
Civil Contingencies Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
County of Lancashire Act 1984
Criminal Justice and Public Order Act 1994
Dangerous Dogs Act 1991
Dogs Act 1871
Dogs (Fouling of Land) Act 1996
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
Food and Environmental Protection Act 1985
Food Safety Act 1990
General Food regulations 2004
Health Act 2006
Housing Acts 1985, 1996 and 2004
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Mobile Homes Act 2013
National Assistance Act 1948
Pollution Prevention and Control Act 1999
Pollution Prevention and Control (England and Wales) Regulations 2000
Prevention of Damage by Pests Act 1949
Private Water Supplies Regulations 2009
Product of Animal Origin (Import and Export) Regulations 1996
Products of Animal Origin (Third Country Imports)(England) Regulations 2002
Public Health Acts 1936 and 1961
Public Health (Control of Disease) Act 1984
Road Traffic (Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Water Industry Act 1991

To appoint inspectors for the purposes of section 19 of the Health and Safety at Work (etc) Act 1974, who may then act as inspectors under the Act in accordance with their appointment.

To waive the repayment of right to buy discount under Section 185 of the Housing Act 2004

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To appoint Proper Officers for the purposes of the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations 1988 and under the National Assistance Act 1948, Regulations 2 and 3 of the Health Protection (Notification) Regulations 2010, Sections 84 and 85 of the Public Health Act 1936, and Section 37 of the Public Health Act 1961

To serve notice and commence legal action to seek an order of possession in respect of a dwelling house let by the Council

To serve any statutory notice, counter-notice or document in respect of a dwelling house let by the Council and which is to be served in connection with the exercise of the functions of the local housing authority

To review a decision to seek an order for possession of a dwelling let under an introductory tenancy (section 129 of the Housing Act 1996)

To review a decision to seek an order for possession of a dwelling let under a demoted tenancy (Section 143F of the Housing Act 1996)

To allocate council housing stock and in so doing to award discretionary points and exercise any other discretion that may be appropriate, and to undertake any review under the Housing Allocation Policy

To nominate tenants to Housing Associations

To serve statutory notices, directions, orders and other documents, to exercise statutory powers of entry and to undertake inspections and take enforcement action in connection with unfit, defective or otherwise substandard dwellings, or overcrowding or otherwise unsatisfactory conditions therein

To investigate and take enforcement action in respect of unlawful eviction or tenant harassment or any offence under the Housing Acts 1985, 1996 or 2004

To determine applications for the licensing of houses in multiple occupation under the Housing Act 2004 including the granting, refusal and variation of licences and the issuing of temporary exemptions in appropriate cases as defined in the Act

To determine applications in respect of grants in respect of dwellings, including disabled facilities grants and to waive or relax the conditions and/or requirements of approved grants

To take action to secure the restoration or continuation of the supply of water, gas or electricity to tenanted property

To administer and operate any loans/grant schemes intended to prevent homelessness

To exercise the statutory functions of the Council with regard to homelessness, including the undertaking of reviews of decisions

To determine applications in respect of chimney heights under the Clean Air legislation

Under the Anti-Social Behaviour, Crime and Policing Act 2014:

- (a) to be authorised persons for the purposes of section 53, with authority to issue a Community Protection Notice (Section 43), and/or a Fixed Penalty Notice for breach of a Community Protection Notice (Section 48);
- (b) to be authorised to issue notices under Section 47(3), Section 47(6) and 49(6) in respect of Community Protection Notice works in default;

- (c) to have authority to authorise Community Protection Notice work in default to be carried out under sections 47(2) and (3);
- (d) to be authorised persons for the purposes of Section 63 and Section 68 (enforcement of Public Spaces Protection Orders); and
- (e) to be authorised to issue a Closure Notice for a period of up to 24 hours.

Under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 to set and impose a penalty charge (to a maximum of £5000); to undertake the service and signing of notices; to consider and determine representations and objections; to recover the monetary penalty through a certificate signed by the Chief Officer (Resources).

Under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to act as Inspectors; to undertake the service and signing of notices; to set and impose a penalty charge (to a maximum of £5000); to authorise remedial work; to consider and determine representations and objections; to recover a monetary penalty through a certificate signed by the Chief Officer (Resources).

TO THE CHIEF OFFICER (REGENERATION AND PLANNING)

To be the proper officer for the purposes of Section 93(1)(a) and to authorise officers to sign documents in accordance with Section 93(1)(b) of the Building Act 1984

To designate authorised officers for the purposes of Section 95 of the Building Act 1984

In consultation with the relevant Cabinet portfolio holder, to approve grants and other financial assistance to businesses and community enterprises, in accordance with the eligibility criteria and other terms and conditions applicable to the relevant approved grant aid schemes.

TO THE CHIEF OFFICER (REGENERATION AND PLANNING) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To determine applications under the Building Regulations, and to serve notices and issue certificates under the Building Regulations 2000 (as amended)

To exercise the Council's powers under Sections 76, 77, 78, 79 and 81 of the Building Act 1984

To approve Home Loss and Disturbance payments

TO THE CHIEF OFFICER (RESOURCES)

To determine nominations for inclusion in the Council's list of assets of community value, and to determine requests from an asset owner for compensation under Part 5 Chapter 3 of the Localism Act 2011.

TO THE CHIEF OFFICER (RESOURCES) (AS SECTION 151 OFFICER) AND TO THE DEPUTY SECTION 151 OFFICER(S)

To determine the Council's tax bases and Collection Fund balances in respect of local taxation, together with related matters, in accordance with the Local Government Act 1992, the Localism Act 2011 and other associated legislation.

To sign any documentation required to be signed by the Council's Chief Financial Officer.

To determine the Council's banking arrangements.

TO THE CHIEF OFFICER (RESOURCES) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To arrange insurance cover for the Council, including the taking out and renewal of policies.

To undertake borrowing and investment decisions and related/supporting operational activity in accordance with the Council's approved Treasury Management Framework.

To sign any documentation on behalf of the Council in accordance with any approved role as "accountable body".

To update the Council's financial systems and records as necessary to bring into effect a decision of the Council or Cabinet.

To authorise officers to represent the Council in the Magistrates' Court in recovery and enforcement proceedings for Council Tax and National Non-Domestic Rates (NNDR)

To exercise the Council's statutory functions and responsibilities in respect of Council Tax, National Non-Domestic Rates, and Housing Benefit and Council Tax Support.

To grant relevant reliefs, discounts, exemptions and support awards associated with Council Tax, National Non-Domestic Rates, and Housing Benefit and Council Tax Support (made available either through locally determined or national policies).

To authorise the commencement of civil proceedings for the recovery of sums owed to the Council.

To sign certificates under Regulation 53(5) of the Council Tax (Administration and Enforcement) Regulations 1992 and Regulation 21(5) of the Non-domestic Rating (Collection and Enforcement (Local Lists) Regulations 1989.

To approve the naming of streets and numbering of properties

TO THE CHIEF OFFICER (RESOURCES) AND SENIOR PROPERTY OFFICER/ ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To approve the terms and conditions for the disposal or acquisition of freehold land, and the granting or taking of a lease of property, where the consideration or premium or annual rent is at market value and does not exceed £50,000 subject to Ward Councillors being satisfied with the principle of the sale/acquisition or, if the property has not previously been leased, the principle of leasing.

To approve the terms and conditions of any other lettings, sub-lettings, concessions or licences to occupy any Council land or premises, where the rent / fee is at market value

To grant peppercorn leases of land for potential new allotment sites (provided that such land would not be capable of achieving a market rent exceeding £6000 pa for alternative use) subject to the approval of the Chief Officer of the relevant managing Service.

To approve the terms of rent or service charge reviews, licences to assign, deeds of variation and surrenders

To terminate or forfeit leases, sub-leases and licences

To approve the payment of compensation due under the Landlord and Tenant Act 1954

To grant and accept wayleaves and easements and to approve the consideration payable to or by the Council

To approve the disposal of Council houses and flats and subsequent assignments under the statutory Right to Buy provisions.