

# Agenda



**HYNDBURN**

The place to be  
an excellent council

## Leader's Decisions

Tuesday, 23rd May, 2017 at 12.58 pm,

### Membership

Leader: Councillor Miles Parkinson

---

## AGENDA

- 1 **Approval of Scheme of Delegation of Executive Functions to Officers 2017-18**  
(Pages 3 - 52)

Signed Leader's Decision Notice and Approved Scheme of Delegation 2017-18 attached.



This page is intentionally left blank



**HYNDBURN**

The place to be  
an excellent council

## DECISION BY THE LEADER OF THE COUNCIL

**PRESENT:**

**Miles Parkinson, Leader of the Council**

**Monica Bell, Senior Democratic Services Officer**

**Subject: Approval Of Scheme Of Delegation Of Executive Functions To Officers, 2017/18**

**1. Purpose**

1.1 To approve a scheme of delegation of executive functions to officers for the 2017/18 Municipal Year.

**2. Background**

2.1 Under the Leader and Cabinet Executive model adopted by the Council, which came into effect on 9<sup>th</sup> May 2011, the Leader of the Council has the authority to approve a scheme of delegation of executive functions to officers.

2.2 Council on 11<sup>th</sup> May 2017 approved the scheme of delegation of non-executive functions (Parts 1,3 and 4 of the Scheme of Delegation to Officers); the scheme of delegation of non-executive functions forms part of the same section of the Constitution (Part 2).

**3. Decision**

3.1 I approve the scheme of delegation of executive functions to officers for the Municipal Year 2017/18, as attached.

3.2 I also authorise the delegation of any of these functions to Cabinet members, including the power for Cabinet to delegate to officers.

**Decision made by:**

  
.....  
**Councillor**  
**Leader of the Council**

**Date: 18<sup>th</sup> May 2017**

**Decision published on: 23<sup>rd</sup> May 2017**

This page is intentionally left blank

## Appendix 4

This document is split into three parts:

**Part 1** - requirements applying to all delegations

**Part 2** – delegations of executive (i.e. Cabinet) functions

**Part 3** – delegations of non-executive (i.e. non Cabinet) functions

**Part 4** - appointment of statutory and proper officers

**NB: delegations of executive functions have been approved by the Leader of the Council and delegations of non-executive functions have been agreed by the full Council**

### Part 1

All delegations to officers are subject to the terms of the particular delegation and to the following general conditions:

- (i) When exercising their delegated powers officers must act in accordance with the law, the Council's constitution (with specific regard to the Financial and Contract Procedure Rules) and the Council's other policies and procedures and must act within the budget for the relevant service area.
- (ii) an officer to whom a function is delegated may authorise another officer to exercise that function, provided that the other officer reports to or is responsible to the officer in question. In the absence of the relevant officer, the Chief Executive shall have power to act in any case of emergency.
- (iii) references to any enactment, regulation order or by-law shall include any amendment or re-enactment, whether or not with amendments
- (iv) If authority is delegated to two or more officers, then in the event of a failure to agree, the decision will be taken by the Chief Executive or relevant Chief Officer.
- (v) Where the exercise of powers is to be subject to prior consultation with another officer or Cabinet member, that officer or Cabinet member may give his or her views in general terms in advance to apply to any particular circumstance, to remove the need for consultation for each proposal.

- (vi) Any heading or sub-heading used to categorise the type of power, duty or functions being delegated, is for description only, and shall not be taken to limit or qualify it in any way.
- (vii) Subject to any express instructions to the contrary any power to approve also includes the power to refuse and the power to impose appropriate conditions.
- (viii) All delegated functions shall be exercised on behalf of and in the name of the Council.
- (ix) **Emergency Action / Emergency Powers**

Executive / Cabinet functions

In cases of emergency, each Chief Officer is authorised to take any necessary action in the interests of the Council or the residents or other persons having interests within the Borough provided that:

- The action is within the powers of the Leader and Cabinet;
- The emergency is certified as such by the Chief Executive (or his/her nominated deputy) and the Chief Officer concerned (or his / her nominated Deputy);
- The Leader, Deputy Leader and relevant Cabinet member are consulted and give approval in principle to the proposed action. In the absence of any of these, another member of the Cabinet shall be consulted
- The approval of the Deputy Chief Executive is obtained to any expenditure involved; and
- A full report is submitted to the next meeting of the Cabinet

Non-executive / Non-Cabinet functions

In cases of emergency, each Chief Officer is authorised to take any necessary action in the interests of the Council or the residents or other person having interests within the Borough provided that:

- The action is within the powers of the Council;
- The emergency is certified as such by the Chief Executive (or his nominated Deputy) and the Chief Officer concerned (or his/her nominated Deputy);
- The Chair and Vice-Chair of relevant committee and the Leader of the main opposition group are consulted and give approval in principle to the proposed action. In their absence, two substitutes shall be consulted from a panel comprising:-

- Chairs of any other Committee (excluding the Leader and Cabinet members)
- Deputy Leader of the opposition
- Opposition spokesperson on any committee
- The approval of the Deputy Chief Executive is obtained to any expenditure involved;
- A full report is submitted to the next meeting of the appropriate committee of the Council.

(x) **Limit on all delegations of executive functions**

The functions set out in column (1) below are not the responsibility of the Leader and Cabinet if any of the circumstances in column (2) apply. In such circumstances the officer concerned **does not** have any delegated authority and the matter **must** be referred to full Council for a decision.

(1) Function	(2) Circumstances
<p>A decision which is delegated to an officer by the Leader and Cabinet; and which is concerned with the Council's budget, or its borrowing or capital expenditure.</p>	<p>The officer to whom the decision is delegated is minded to determine the matter contrary to, or not wholly in accordance with:-            (i) the Council's budget; <b>or</b>            (ii) the plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure; <b>and</b>            the decision is not authorised by the Council's constitution as being something that can be decided by the Leader and Cabinet.</p>
<p>A decision which is the responsibility of the Leader and Cabinet and in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the full Council</p>	<p>The officer to whom the decision is delegated is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the Council</p>

## Part 2 - Delegation of Executive Functions to Officers

### DELEGATIONS TO ALL CHIEF OFFICERS

Chief Officer for these purposes means the Chief Executive, the Deputy Chief Executive, the Executive Director (Legal & Democratic), the Head of Parks and Cemeteries, the Head of Community Services, the Head of Regeneration and Housing and the Chief Planning & Transportation Officer

Delegation No.	Summary of Delegation	Comments
<b>1</b>	<b>GENERAL</b>	
1.1	<p>To perform and / or carry out those functions of the Council within the Chief Officers service area</p> <p>. "Functions" are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the relevant functions</p> <p>In exercising their delegated powers Chief Officers may:</p> <p>a. incur, vary and discontinue expenditure</p> <p>b. manage the staffing, property, financial and other resources within the Chief Officers' control</p> <p>c) procure works, goods and services, including accepting tenders and signing contracts/agreements, subject to all necessary approvals being received</p> <p>d) terminate contracts</p> <p>e) exercise virement within the limits set out in the Finance Procedure Rules</p> <p>f) serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions and make orders in the exercise of the Council's powers and duties</p> <p>g) set, vary and waive fees and charges for the delivery of services and for the issue of any licence, permit, consent or approval subject to any statutory requirements and following consultation with the relevant portfolio holder</p> <p>h) charge for services, where a service beyond that</p>	<p>In exercising their delegated powers Chief Officers must:</p> <p>i) act within the law and in accordance with any statutory requirements and procedures</p> <p>ii) comply with the Council's constitution, paying particular regard to the Financial Procedure Rules and the Contracts Procedure Rules</p> <p>iii) comply with the Council's other policies and procedures</p> <p>iv) act within the budget for the relevant service area</p> <p>v) consult the relevant portfolio holder in respect of significant decisions and, where requested by the portfolio holder, refer the matter to Cabinet for decision</p> <p>vi) consult appropriate colleagues if the proposed decision may have significant financial, legal, property or staffing implications</p> <p>v) keep a written record of the decision taken and the reasons for it</p>



	<p>normally supplied free of charge is requested, subject to the prior agreement of the person to be charged</p> <p>i) provide services to other local authorities and organisations</p> <p>j) respond to consultation from Government or other public bodies</p> <p>k) prepare bids for lottery and other funding</p> <p>l) be responsible as client under the Construction (Design &amp; Management) Regulations 1994 for all relevant projects undertaken by the Council within their service areas.</p>	
1.2	<p>In so far as they are executive functions, to authorise in accordance with any legal requirements or restrictions, any officer or other suitably qualified and/ or experienced person to exercise any of the functions delegated to that Chief Officer.</p>	<p>The Chief Officer must maintain a proper record of such authorisation</p> <p>Such officers / authorised persons to be suitably qualified and/or experienced.</p> <p>The exercise of delegated powers by these individuals is subject to the same restrictions as apply to the relevant Chief Officer</p>
1.3	<p>To deal with the following employment issues within the Chief Officers service area :</p> <p>i) engage, suspend, dismiss and deploy staff</p> <p>ii) take disciplinary action against staff</p> <p>iii) apply conditions of service</p> <p>iv) regrade posts in accordance with the Council's job evaluation scheme</p> <p>v) make changes to staffing structures within the relevant service budget</p> <p>vi) approve honoraria payments not exceeding £2000</p> <p>vii) award car / telephone allowances</p> <p>viii) make arrangements for maternity leave and staffing cover</p> <p>ix) amend job descriptions of staff within</p>	<p>In exercising their delegated powers Chief Officers must:</p> <p>i) act within the law and in accordance with any statutory requirements and procedures</p> <p>iii) comply with the Council's policies and procedures</p> <p>iv) act within the budget for the relevant service area</p>

	his/her department x) approve applications for leave of absence in cases not covered by Council policy	
--	--	--

### DELEGATIONS TO THE CHIEF EXECUTIVE

Delegation No.	Summary of Delegation	Comments
<b>2</b>	<b>CHIEF EXECUTIVE'S GENERAL REMIT</b>	
2.1	To act as the head of paid service under section 4 of the Local Government and Housing Act 1989	
2.2	To guide and where appropriate, direct chief officers in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council	
2.3	To carry out any function which is delegated to a particular chief officer subject to any limits or conditions attaching to that delegation	
2.4	To grant exemptions on the political restriction of officer posts under the Localism Act 2011	
2.5	To grant dispensations to Cabinet members prior to the taking of an executive decision in respect of which they have a conflict of interest pursuant to regulations 12 and 13 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	In consultation with the monitoring officer
2.6	Designation of reserve delegated officers in absence of Chief Officer/Deputy	
2.7	To keep under review the terms and conditions of the members of the Corporate Management Team and make such revisions as considered appropriate within the resources available	
2.8	Attestation of the Common Seal and authorisation of other officers for this purpose in connection with the exercise of executive functions	
2.9	Appointment of officers(s) to act as deputy in respect of delegated functions in this	

	constitution or in accordance with Cabinet minutes	
2.10	Exceptions to Flying the Flag policy	Consult with Mayor and Group Leaders
2.11	Applications for marches under Public Order Act 1936	Consult with Leader, Deputy Leader and relevant Cabinet member.
2.12	To take action within the Council's powers in cases of emergency or in the absence or incapacity of the designated decision taker or in the failure of the Council in any year to agree executive arrangements by the statutory deadline for the holding of the Council's annual meeting	After consulting as widely as is practicable in the circumstances
2.13	Power to authorise directed surveillance and to authorise the conduct of covert intelligence sources pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act	
2.14	To exercise powers under the Civil Contingencies Act 2004	
2.15	To receive and respond to expressions of interest under the Community Right to Challenge under Part 5 Chapter 2 Localism Act 2011	
2.16	To designate approved duties for the purpose of the Council's members allowances scheme	
2.17	To review decisions to include land and / or buildings on the list of assets of community value pursuant to section 92 Localism Act 2011 and to review decisions relating to compensation pursuant to section 99 Localism Act 2011 in respect of assets of community value	These functions may be delegated by the Chief Executive to the Deputy Chief Executive and the Executive Director (Legal & Democratic Services)
2.18	To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	Subject to compliance with the Council's guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000  Subject to approval by the Executive Director (Legal & Democratic Services), or the Legal Services Manager or a solicitor within the Council's Legal Services Section

2.19	(Subject to the delegation in Part 2 paragraph 4.20 of this scheme of delegation) to exercise the powers conferred on the Council by the Anti-Social Behaviour Crime and Policing Act 2014 and to appoint and authorise officers of the Council to exercise any of the powers and duties of the Council under that Act	
2.20	To ensure appropriate risk management arrangements are in place across the Council	

### DELEGATIONS TO HEAD OF REGENERATION AND HOUSING

3.1	To approve housing renewal assistance as defined in the Council's Housing Renewal Policy up to the following maximums <ul style="list-style-type: none"> <li>• grant aid up to a maximum of £30,000</li> <li>• equity loan for refurbishment up to a maximum of £30,000</li> <li>• equity loan for relocation up to a maximum of £40,000</li> <li>• grant aid / equity loan for conversions of 2 or more dwellings to 1 to provide satisfactory accommodation up to a maximum of £50,000</li> </ul>	
3.2	Make grants towards the cost of separate water connection	
3.3	Adaptations for the disabled – permit grant aid for extensions where internal amenities and structural change necessitate this to accommodate a stair lift or similar	
3.4	To determine whether or not to approve housing assistance where works commenced prior to approval where good reason shown	
3.5	To set fees for agency services for housing renewal activity as defined by the Council's Housing Renewal Policy	
3.6	To acquire houses for Regeneration / Housing Renewal purposes and where appropriate selecting such houses for improvement	
3.7	To carry out necessary works (following tendering procedures) to houses for improvement for sale	
3.8	To be responsible for administration and pre-	

	contract works of block rehabilitation schemes	
3.9	To make statutory returns under the Home Energy Conservation Act	
3.10	To implement legislation relating to homelessness and housing allocations	
3.11	To assess housing need and make nominations to RSL's under the terms of the Council's approved allocations scheme	
3.12	To assess, advise and where appropriate assist all households presenting themselves as homeless or threatened with homelessness in accordance with the relevant homelessness legislation and Code of Guidance	
3.13	Under the Council's regeneration programmes authorise the acquisition of properties by agreement in areas designated for redevelopment or authorise the payment for properties to be purchased under any proposed or confirmed CPO	
3.14	To negotiate a contract with a housing association without recourse to open tendering in circumstances where considered to be suitable and advantageous	In consultation with the Chief Executive and the Executive Director (Legal & Democratic Services)
3.15	<p>In so far as they are executive functions, to implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and/ or experienced person pursuant to the following legislation ( and any re – enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of housing , buildings, blight and environmental protection.</p> <p>Acquisition of Land Act 1981  Land Compensation Act 1972  Housing Act 1985  Housing Grants Construction &amp; Regeneration Act 1989  Housing Act 1996  Regulatory Reform Order 2002  Homelessness Act 2002  Housing Act 2004</p>	

	<p>Environmental Protection Act 1990  Town and Country Planning Act 1990  Building Act 1984  Prevention of Damage by Pests Act 1949  Caravan Sites Act 1968  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  Protection from Eviction Act 1977 (as amended by the Housing Act 1988)  Law of Property Act 1925  Public Health (Control of Disease) Act 1984  Criminal Justice and Public Order Act 1994  Scrap metal Dealers Act 2013  Animal Welfare Act 2006  Law of Land Act 1925  Local Government Act 2000  Public Health Acts 1936 and 1961  The Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes)(England) Order 2013  Mobile Homes Act 2013  Energy Act 2013 / The Smoke and Carbon Monoxide Alarm (England) Regulations 2015  Control of Pollution Act 1974  Environment Act 1995  Noise Act 1996  Clean Neighbourhoods and Environment Act 2005  Water Industry Act 1991  Clean Air Act 1993  Anti-social Behaviour Crime and Policing Act 2014  Housing and Planning Act 2016  Environmental Permitting (England &amp; Wales) Regulations 2010  Private Water Supply Regulations 2009  Pollution Prevention and Control Act 1999  Noise and Statutory Nuisance Act 1993  Riding Establishments Act 1964  Animal Boarding Establishments Act 1963  Breeding of Dogs Act 1973 and 1991  Pet Animals Act 1951  Dangerous Wild Animals Act 1976</p>	
3.16	Virement between HIP expenditure blocks and between yearly programmes	In consultation with the Deputy Chief Executive
3.17	To authorise holding of car boot sales/markets where organiser intends profits	

	generated to be solely for charitable, sporting, social or political purposes Provided no vans individual or organisation in same location more than once in 3 months	
3.18	Take appropriate action in behalf of the Council's market franchise rights	In consultation with the Executive Director (Legal & Democratic Services)
3.19	To manage the Council's markets	
3.20	To authorise the sale of properties purchased by the Council where the original purchase was made as part of the Council's empty property strategy or where the property is located within a regeneration area	In consultation with the Chief Executive and the relevant portfolio holder
3.21	To award assistance, including grants, up to a maximum of £20,000 to help bring empty properties back into use	Subject to the availability of resources
3.22	To issue licences and generally to manage the Council's scheme for the selected licensing of private rented accommodation.	
3.23	To enter into agreements with registered social landlords in respect of the Council's duties under Part 4 Housing Act 2004 relating to management orders	In consultation with the Executive Director (Legal & Democratic Services)
3.24	To create, review and maintain an advisory list of building contractors for renovation grants  To determine whether or not to accept assignment of grant monies to contractors not on the Council's advisory list	
3.25	(a) To exercise the powers conferred on the Council by the Scrap Metal Dealers Act 2013 (and any Regulations, Orders, Byelaws or other subsidiary legislation made under that Act and any enactments amending or replacing the same) and to appoint and authorise officers of the Council to exercise any of the powers and duties which are the responsibility of the Council under that Act; and (b) To determine scrap metal licence fees in accordance with Schedule 1 paragraph 6 Scrap Metal Dealers Act 2013	In consultation with the portfolio holder
	<b>PROPERTY SERVICES</b>	
3.26	To take all actions required in relation to the management of Elmfield Hall and the discharge of the Council's responsibilities and	In conjunction with the Executive Director (Legal & Democratic Services)

	statutory obligations as landlord in respect of the same	
3.27	To make appropriate planning applications on behalf of the Council for any Council owned land and property assets where it is considered that a planning permission for an alternative use would be beneficial to the future management or disposal of the asset provided that the costs of making such an application do not exceed £10,000 (ten thousand pounds) per individual asset.	In consultation with the Leader, Deputy Leader and appropriate Cabinet member
3.28	To negotiate, agree compensation and acquire properties identified by the Council and approved by Cabinet as appropriate for compulsory purchase under all appropriate Acts of Parliament.	
3.29	(i) To agree terms for the granting, acquisition, variation or extinguishment of easements and wayleaves and where necessary to enter into Licences to enter third party land for the purposes of carrying out works; and (ii) To negotiate and agree terms for the granting of leases, licences and tenancy agreements to statutory undertakers for the implementation of infrastructure in accordance with their statutory obligations.	
3.30	In connection with general vesting declarations, to agree further occupation periods of up to six months for occupiers of business premises.	
3.31	(i) To manage, agree terms and instruct the Council's Legal Services department to effect all new and renewal leases, licences and tenancy agreements and all ancillary or supplementary documentation notices and consents relating thereto in respect of all property owned by the Council and not occupied by the Council for the performance of its functions including its investment land and other non-operational properties and property interests provided that the delegated authority to agree terms shall not apply if any of the following applies:  - the term exceeds twenty years - the annual rent or fee until the first rent or fee review (if applicable) exceeds £20,000	



	<p>(twenty thousand pounds) per annum; or - the letting is at less than best consideration</p> <p>(ii) To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences granted by the Council</p> <p>(iii) To take all appropriate action to recover possession of all land and buildings let by the Council in circumstances where the lessee, tenant or licensee has become bankrupt, insolvent or where such other grounds for forfeiture arise.</p> <p>(iv) To agree terms for and instruct the Council's Legal Services department to effect the acquisition of new and renewal leases where the Council is the tenant or licensee provided that the lease or licence term does not exceed five years and / or the annual rental during the term or licence period up until the first rent or licence review (if applicable) does not exceed £10,000 (ten thousand pounds) per annum.</p> <p>(v) To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences held by the Council as the tenant or licensee.</p> <p>(vi) To negotiate and agree any dilapidation claim arising from a lease or licence either granted by or held by the Council provided the value of the claim does not exceed £100,000 (one hundred thousand pounds) (exclusive of fees).</p>	<p>(iv) In consultation with the Leader, Deputy Leader and appropriate Cabinet member</p> <p>(v) In consultation with the Leader, Deputy Leader and appropriate Cabinet member</p> <p>(vi) In consultation with the Executive Director (Legal &amp; Democratic) Services</p>
3.32	To exercise statutory responsibility in relation to property management including such matters as the disposal of the Council's freehold interest in the site of properties which fall under the provisions of the Leasehold Reform Act 1967, and the Leasehold Reform, Housing & Urban Development Act 1993 enabling the occupants to acquire (enfranchise) their landlord's freehold interest.	
3.33	(i) To agree terms and instruct the Council's Legal Services department in respect of all	(i) In consultation with the Leader, Deputy Leader and appropriate

	property and land asset disposals, transfers and agreements of any interest where the capital value does not exceed £75,000 (seventy five thousand pounds) per transaction (exclusive of fees) and where the disposal sale or transfer is not at less than best consideration ;and (ii) To agree terms for the purchase of ground rents that it is considered beneficial for the Council to purchase provided that the total expenditure on such transactions does not exceed £10,000 (ten thousand pounds) (exclusive of fees) in any one financial year.	Cabinet member  (ii) In consultation with the Leader, Deputy Leader and appropriate Cabinet member
3.34	To grant permission for community organisations to enter onto Council land under licence to undertake minor environmental improvement schemes. "Minor" schemes will include all schemes where any increase in maintenance obligation or liability for the Council could be funded from existing approved budgets without detriment to other services and projects	In consultation with the Leader, Deputy Leader and appropriate Cabinet member
3.35	In respect of assets of community value and pursuant to Sections 87, 90,91, 92 (4), 93, 94, 97, 98, 99 and 102 Localism Act 2011 to (i) maintain a list of Assets of Community Value, (ii) to give notification of inclusion or removal of assets from the list, (iii) to remove entries from the list following a review, (iv) to maintain a list of unsuccessful nominations, (v) to publish and make available lists, (vi) to give notice of and publicise receipt of notice of intended disposal, (vii) to inform owners of requests to be treated as a bidder, (viii) to co-operate with other local authorities (ix) to determine nominations for the list of assets of community value (x) to administer a compensation scheme	
3.36	To determine the number and location of Christmas light "switch on" events to be supported by Council staff each year	In consultation with the Portfolio Holder

### **DELEGATIONS TO EXECUTIVE DIRECTOR (LEGAL & DEMOCRATIC SERVICES)**

Delegation No.	Summary of Delegation	Comments
4.1	In relation to executive functions to	

	commence, defend, conduct, settle, and appear in any legal proceedings to protect the Council's assets or interests or relating to the Council's functions or, if appropriate, for the benefit of the inhabitants of the Borough and to prosecute any person or persons in accordance with the Council's executive functions.	
4.2	To authorise appropriate staff within the legal section to appear in court, including appearance in the magistrates court pursuant to section 223 Local Government Act 1972	
4.3	To instruct external solicitors and/or counsel to represent the Council	
4.4	To authenticate documents in connection with the exercise of executive functions	
4.5	To settle legal documents relating to or affecting the functions of the Council and to sign documents on behalf of the Council, including any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings	
4.6	To obtain particulars of land ownership in connection with any executive function	
4.7	To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements	
4.8	To take all steps prescribed by law to implement compulsory purchase powers	Subject to a decision by the Leader and Cabinet to exercise compulsory purchase powers
4.9	To settle maladministration claims against the Council and to agree compensation to persons adversely affected by maladministration up to a maximum of £500 per claim, pursuant to section 92 Local Government Act 2000	
4.10	To authorise directed surveillance and the conduct of covert intelligence sources pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act	
4.11	To act as the Senior Responsible Officer for the purpose of Part II Regulation of Investigatory Powers Act 2000	
4.12	To agree terms for block rehabilitation	In consultation with Head of

	agreement(s)	Regeneration and Housing and the Chief Planning and Transportation Officer
4.13	To make changes to the workplace smoking policy to take account of legislative requirements	
4.14	Access to Information – to determine charges for inspecting and copying documents and access arrangements for viewing documents and registers	
4.15	<p>To take action to enforce a sale of property in the following circumstances:-</p> <ol style="list-style-type: none"> <li>1) To implement the Council's Enforced Sales Procedure in accordance with the Council's Empty Dwellings Strategy and/or in support of regeneration and housing renewal activity; or</li> <li>2) To recover an outstanding debt due to the Council with a minimum value of £1,500 (this includes both residential and commercial property) if satisfied that the power of sale is available to the Council in respect of a particular property.</li> </ol> <p>This includes serving the necessary notices pursuant to the Law of Property Act 1925, drawing up and sealing deeds, registering charges, taking possession and marketing the property in an appropriate manner and completing the sale of the property.</p>	<ol style="list-style-type: none"> <li>1) In consultation with the Head of Regeneration and Housing and the relevant Portfolio Holder</li> <li>2) In consultation with the Head of Department which raised the debt and the relevant Portfolio Holder</li> </ol>
4.16	To make changes to the Council's policy on Councillors' use of ICT services and equipment.	In consultation with the Leader's Policy Development Board
4.17	To act as returning officer for Council elections (and deputy returning officer for other elections) in accordance with section 35 Representation of the People Act 1983	
4.18	To act as electoral registration officer for the Council in accordance with section 8 Representation of the People Act 1983	
4.19	To administer the Council's payroll function	
4.20	Power to surveillance which is not governed	Subject to compliance with the

	by the Regulation of Investigatory Powers Act 2000	Council's guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000  Subject to confirmation of the approval by the Executive Director (Legal & Democratic Services), the Legal Services Manager or a solicitor within the Council's Legal Services Section
4.21	To make public spaces protection orders pursuant to the Anti-Social Behaviour Crime and Policing Act 2014 for the purpose of restricting access to highways and providing alley gates	In consultation with the portfolio holder and relevant ward councillors
4.22	To authorise officers of the Council to issue fixed penalty notices in respect of contravention of public spaces protection orders made pursuant to the Anti-Social Behaviour Crime and Policing Act 2014	
4.23	Subject to 4.20 above, to exercise the powers conferred on the Council by the Anti-Social Behaviour Crime and Policing Act 2014 and to appoint and authorise officers of the Council to exercise any of the powers and duties of the Council under that Act	
4.24	To agree amendments to the allotment guidelines and to publish the same	In consultation with the portfolio holder, the Chief Planning & Transportation Officer and the Hyndburn Federation of Allotment Holders

#### **DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER**

<b>Delegation No.</b>	<b>Summary of Delegation</b>	<b>Comments</b>
5.1	Directions under the provisions of Article 4 of the Town and Country Planning General Development Procedure Order 1995	
5.2	Following consultation with the relevant portfolio holder, power to respond on behalf of the Council to consultation by other local authorities on proposed or amended development plans, policies, strategies and	

17 of 48

Municipal Year 2017/18

Part 3 - Responsibility for Functions - App 4 - Scheme of Delegation

	supplementary planning guidance	
5.3	Following consultation with the relevant portfolio holder, power to respond on behalf of the local planning authority to consultation by external agencies and government departments	
5.4	To obtain additional information in connection with planning purposes whether under S330 of Town and Country Planning Act 1990 or by Planning Contravention Notice (S171C(2) and (3) of the Town and Country Planning Act 1990 and S.16 Local Government (Miscellaneous Provisions) Act 1976	By Statutory Notice
5.5	Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act	
5.6	To exercise the Council's residual highway functions	In consultation with the relevant portfolio holder
5.7	To authorise any officer or suitably qualified and/ or experienced persons to enter land in accordance with section 324 Town & Country Planning Act 1990 and section 88 Planning (Listed Buildings and Conservation Areas) Act 1990	
5.8	To approve the naming of streets and the numbering of properties under Section 17 and 18 respectively of the Public Health Act 1925	
5.9	To provide seats on highway land, where appropriate	
5.10	To operate the Hedgerow Regulations 1997 on land in the Borough including issuing a Hedgerow Retention Notice	
5.11	The making of Temporary Highway Closure Orders under Section 21 of the Town Police Clauses Act 1847	
5.12	To agree the terms of garage tenancy agreements, to agree variations of the same and to take any steps prescribed by law to determine or enforce garage tenancy agreements	
5.13	<b>ENGINEERING</b>	
5.13.1	To receive notice of intention to demolish buildings or parts of buildings (unless exempt) within the Borough. To issue notices	In consultation with the Head of Environmental Partnerships

	concerning the manner of any demolition to be carried out	
5.13.2	To take steps to protect unoccupied buildings from unauthorised entry or causing danger to public health	In consultation with the Head of Environmental Partnerships
5.13.3	To make additions to or deletions from list of contractors approved for demolition	
5.13.4	To exercise the Council's functions as risk management authority under section 6 Flood and Water Management Act 2010	
5.13.5	To exercise the Council's functions as designating and responsible authority under Schedule 1 of the Flood and Water Management Act 2010	

### DELEGATIONS TO THE DEPUTY CHIEF EXECUTIVE

Delegation No.	Summary of Delegation	Comments
9	<b>FINANCIAL MANAGEMENT</b>	
9.1	To undertake the proper administration of the Council's financial affairs and the operation of the Council's accounting systems	
9.2	To arrange all borrowing, financing and investment in line with the Council's Treasury Management Policy	
9.3	To exercise the budgetary control functions referred to the Deputy Chief Executive in the Council's Financial Procedure Rules	
9.4	To administer the calculation and payment of housing benefit and council tax support	
9.5	To make amendments to the Council's council tax support scheme as required, to comply with national guidelines and to ensure the scheme remains fiscally neutral.	
9.6	to take all necessary steps to undertake the calculation, collection, administration and recovery of Council Tax and Non-domestic Rates in accordance with the Local Government Finance Act 2012, the Local Government Finance Act 1992 and the Local Government Finance Act 1988, (all as	

	amended from time to time) and further government regulations and guidance, that may be issued.	
9.7	To determine the size of the Council Tax Support Exceptional Hardship Fund each year;	
9.8	To make appropriate banking arrangements on behalf of the Council	
9.9	to insure against risks where he considers this appropriate	
9.10	To sign attachment of earnings orders	
9.11	To determine National Non Domestic Rates hardship cases and assess relief	
9.12	To authorise suitable officers to attend court and valuation panels/tribunals on behalf of the Council for the administration and collection of council tax and non-domestic rates in accordance with legislation and Council policy	
9.13	To make payments for properties to be purchased by agreement in an area proposed for redevelopment or for properties to be purchased under any confirmed compulsory purchase order	
9.14	To award, cancel and recover discretionary housing payments under the Discretionary Financial Assistance Regulations 2001	
9.15	Power to write off debts up to a value of £5,000 each	
9.16	Power to write off debts of any value if: <ul style="list-style-type: none"> <li>• The debtor is bankrupt or in liquidation and there is no likelihood of the debt being paid; or</li> <li>• The debtor has absconded and all reasonable enquiries have failed to locate them; or</li> <li>• The debtor is in prison and has no means to pay; or</li> <li>• The debtor has died and there is no estate</li> </ul>	
9.17	Power to write off debts of council tax and non-domestic rates of any value if: <ul style="list-style-type: none"> <li>• The debt has been remitted by the magistrates court; or</li> <li>• The debtor has been imprisoned in respect of the debt</li> </ul>	



9.18	Responsibility for maintaining an adequate and effective system of internal audit	
9.19	Responsible for the Council's compliance with taxation regulations for the purposes of the CIPFA Code of Tax Management	
9.20	to operate the Council's car loan and car leasing schemes	
9.21	To authorise the investigation and prosecution of offences pursuant to the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013	
10.	<b>LEISURE</b>	
10.1	Granting of use of sports and leisure facilities for annual galas, tuition of school children and other similar events including free/discount use policy at Council leisure facilities	
10.2	To allocate athletics track at Wilson Playing Fields free of charge up to 4 times each year to Hyndburn Athletics Club	
10.3	Relaxation of by-laws for cycle races	In consultation with the relevant Cabinet member
10.4	To determine Christmas closure arrangements in respect of leisure facilities	In consultation with the relevant Cabinet member
10.5	To determine the terms and conditions with artists/organisers for the arts and entertainments programme	
10.6	<b>MISCELLANEOUS</b>	
10.6.1	Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act	
10.6.2	Power to surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	Subject to compliance with the Council's guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000  Subject to confirmation of the approval by the Executive Director (Legal & Democratic Services), the

		Legal Services Manager or a solicitor within the Council's Legal Services Section
10.6.3	(Subject to the delegation in Part 2 paragraph 4.20 of this scheme of delegation) to exercise the powers conferred on the Council by the Anti-Social Behaviour Crime and Policing Act 2014 and to appoint and authorise officers of the Council to exercise any of the powers and duties of the Council under that Act	

### DELEGATIONS TO THE HEAD OF AUDIT & INVESTIGATIONS

DELEGATION NO.	SUMMARY OF DELEGATION	COMMENTS
11.1	Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act	
11.2	Power to surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	Subject to compliance with the Council's guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000  Subject to confirmation of the approval by the Executive Director (Legal & Democratic Services), the Legal Services Manager or a solicitor within the Council's Legal Services Section

### DELEGATIONS TO HEAD OF BENEFITS, REVENUES AND CUSTOMER SERVICES

DELEGATION NO.	SUMMARY OF DELEGATION	COMMENTS
12.1	Power to write off debts relating to housing benefit	

	overpayments, non-domestic rates and council tax up to a value of £2,000 each.	
--	--	--

### DELEGATIONS TO HEAD OF HUMAN RESOURCES

DELEGATION NO.	SUMMARY OF DELEGATION	COMMENTS
13.1	To authorise internal candidate only recruitment exercises in accordance with the Council's Recruitment and Selection policy	
13.2	To implement the Council's job evaluation scheme	
13.3	To develop and implement the Council's training and development programme for members and employees	

### DELEGATIONS TO THE HEAD OF COMMUNITY SERVICES

DELEGATION NO.	SUMMARY OF DELEGATION	COMMENTS
14.1	Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act	
14.2	In so far as they are executive functions , to implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person pursuant to the following legislation ( and any re –enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of Community Services: Agriculture Act 1970 Agriculture (Miscellaneous Provisions) Act 1968 Agriculture (Miscellaneous Provisions) Act 1968 Animal By-Products (England) Regulations 2005	

	<p>Animal Feed (Composition, Marketing and Use) (England) Regulations 2015  Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015  Animal Health Act 1981  Animal Welfare Act 2006  Anti Social Behaviour Act 2003  Anti Social Behaviour, Crime and Policing Act 2014  Building Act 1984  Caravan Sites Act 1968  Control of Pollution Act 1974  Criminal Justice and Public Order Act 1994  Environment Act 1995  Environmental Damage (Prevention &amp; Mediation) Regulations 2009  Environmental Permitting (England &amp; Wales) Regulations 2010  Environmental Protection Act 1990  The Food (Jelly Mini Cups) (Emergency Control) (England) Regulations 2009  Food Safety and Hygiene (England) Regulations 2013  Food Hygiene (England) Regulations 2005  Food Act 1984  Guard Dogs Act 197  Health Act 2006  Land Drainage Act 1991  Microbiological Criteria for Foodstuffs Regulations 2005  Mobile Homes Act 2013  Official Feed and Food Controls (England) Regulations 2009  Pollution Prevention and Control Act 1999  Prevention of Damage by Pests Act 1949  Private Water Supply Regulations 2009  Processed Animal Protein (England) Regulations 2001  Products of Animal Origin (Third Country Imports) Regulations 2006 and 2007 (Amendment Regulations)  Public Health (Control of Disease) Act 1984  Refuse Disposal (Amenity) Act 1978  Slaughter of Poultry Act 1967  The Specified Products from China (Restriction on First Placing on the Market) (England) (Amendment) Regulations 2012  Sunbed (Regulations) Act 2010  Sunday Trading Act 1994  The Trade In Animals and Related Products</p>	
--	--	--

	<p>Regulations 2011  Transmissible Spongiform Encephalopathies (England) Regulations 2010  Water Act 2014  Water Industry Act 1991 as amended  Food Safety Act 1990 ( in so far as it is an executive function)  Water Supplies (Water Fittings) Regulations 1999  Water Supplies (Water Quality) Regulations 2010  Pollution Prevention and Control Act 1999  Clean Air Act 1993  Noise and Statutory Nuisance Act 1993  Any Orders or Regulations having effect by virtue of the European Communities Act 1972, including: Regulation (EC) No. 178/2002, Regulation (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation (EC) No. 854/2004 and Regulation (EC) No. 882/2004  Also any Regulations, Order, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
14.3	To authorise appropriate staff within the Community Services Division to appear in court in connection with proceedings relating to the functions listed in 14.2 above	
14.4	To deal with applications for rubbish amnesty, Clean Streets initiatives or similar	In consultation with the relevant Portfolio Holder
14.5	To act as delegated officer in respect of the Council's goods vehicle operator licence	
14.6	To amend and update the Council's strategy and service standards for Community Services and to exercise the powers and duties of the Council pursuant to the Waste (England and Wales) Regulations 2011	In consultation with the relevant portfolio holder
14.7	Power to authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	<p>Subject to compliance with the Council's guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</p> <p>Subject also to confirmation of the approval of the Executive Director (Legal &amp; Democratic Services) the Legal Services Manager or</p>

		a solicitor within the Council's Legal Services Section
14.8	To exercise the provisions of and issue notices under Sections 43 and 48 of the Anti-Social Behaviour Act 2003	

### DELEGATIONS TO THE HEAD OF PARKS AND CEMETERIES

15.1	The provision and management of the Cemeteries and Crematoria	
15.2	The appointment of the Medical Referee and Deputy Medical Referee by virtue of Cremation Regulations 1930	
15.3	To grant permission for community organisations to enter onto parks and cemetery land under licence to undertake minor environmental improvement schemes. "Minor" schemes will include all schemes where any increase in maintenance obligation or liability for the Council could be funded from existing approved budgets without detriment to other services and projects	In consultation with the Leader, Deputy Leader and appropriate Cabinet member

## Part 3 - Delegation of Non-Executive Functions to Officers

### DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER

Delegation No.	Summary of Delegation	Comments
<b>1</b>	<b>DEVELOPMENT CONTROL FUNCTIONS</b>	
<b>1.1</b>	<b>DETERMINATION OF PLANNING APPLICATIONS</b>	
1.1.1	<p>All applications for permission, consent, certificates determinations and prior notifications made under Town and Country Planning legislation unless:</p> <ol style="list-style-type: none"> <li>1. the Chief Planning and Transportation Officer considers that the application should be considered by the Planning Committee</li> <li>2. the application would constitute a significant departure from the policies of the statutory development plan and it is intended to approve the application</li> <li>3. the application is for a significant proposal by the Council or the County Council and is not of a minor nature</li> <li>4. the applicant is a member of the Council</li> <li>5. the applicant is an employee of the Planning &amp; Transportation Section or is a senior manager of the Council</li> <li>6. the application is recommended for approval subject to a planning agreement under s106 Town and Country Planning Act 1990 (although planning applications for renewals/time extensions do not need to be referred to Planning Committee if there is a Section 106 agreement).</li> <li>7. A local Councillor has requested in writing that the application be referred to Planning Committee within 14 days of such a planning application first being included on the weekly list of planning applications and subject to the local Councillor giving planning reasons for the referral to Planning Committee.</li> </ol> <p>This includes legislation relating to listed buildings, conservation areas and hazardous substances.</p>	
<b>1.2</b>	<b>DEVELOPMENT CONTROL</b>	

<b>Delegation No.</b>	<b>Summary of Delegation</b>	<b>Comments</b>
1.2.4	Serve Building Preservation Notices	
1.2.5	Service of Discontinuance Notices under the Advertisement Regulations for advertisements which seriously conflict with adopted policies, taking into account possible compensation liability	Consult the Executive Director (Legal & Democratic Services)
1.2.6	Secure removal of an advertisement displayed in contravention of Regulations or use of any site	Consult Executive Director (Legal & Democratic Services)
1.2.7	Removal or obliteration of placards and posters	
1.2.8	Issue of enforcement notices for breach of planning control under the Town & Country Planning legislation	To be reported to Planning Committee every six months.
1.2.9	In relation to listed buildings: Issue of listed building enforcement notices Issue of repairs notices Execution of urgent works	Consultation required with the Executive Director (Legal and Democratic Services)
1.2.10	Issue of stop notices and temporary stop notices	Consultation required with the Executive Director (Legal and Democratic Services)
1.2.11	Issue of breach of conditions notices or planning contravention notices	
1.2.11a	Issue of completion notices	
1.2.12	Take steps to secure compliance with an enforcement notice either through prosecution or by taking direct action under the Town & Country Planning Acts	Consultation with the Executive Director (Legal & Democratic Services)
1.2.13	For purposes of the Town & Country Planning (Enforcement Notices & Appeals) Procedure, to make a statement as to whether or not the Council would grant planning permission for the development alleged and, if so, on what conditions	
1.2.14	To make representations (for or against) on planning applications for developments in neighbouring districts	
1.2.15	Assess interim development order submissions relating to mineral extraction and give observations to Lancashire County Council	
1.2.16	Take action on dangerous trees	
1.2.17	To make and confirm Tree Preservation Orders	Following consultation with



Delegation No.	Summary of Delegation	Comments
	where satisfied that trees are in danger of felling or lopping or to preserve the amenity of an area	the relevant portfolio holder and ward councillors, save where the possibility of felling or lopping is so imminent that time does not permit consultation to take place
1.2.18	Serve notices and take appropriate action for replacement tree planting under the Town & Country Planning Acts	
1.2.19	Operate the Town and Country Planning (Tree Preservation) (England) Regulations 2012 in all cases involving works to trees protected by TPO's and situated on land owned or controlled by the Council except where the trees in question are managed by the Chief Planning & Transportation Officer.	
1.2.20	Determine applications to carry out work on trees protected by TPO's except in the case of proposed felling	
1.2.21	<p>Determine applications to fell trees protected by TPO's and situated on land which is not owned or controlled by the Council if:</p> <ul style="list-style-type: none"> <li>• The trees are causing structural damage to property, retaining walls, services or similar; or</li> <li>• The trees contain decay which is not advanced enough to make them immediately dangerous, but which will make them potentially dangerous within the next 5 years; or</li> <li>• The trees are not immediately dangerous, but are growing in a particular way (such as with a pronounced lean) that makes them potentially dangerous within the next 5 years</li> <li>• The trees are growing close to other trees and are stunted in their growth by the competition with neighbouring trees and the trees need to be felled as a thinning operation to allow adjacent trees to develop properly</li> </ul>	The Chair and Vice Chair of Planning Committee and the ward councillors are to receive copies of any determination made pursuant to this delegation
1.2.22	Following consultation with the chair and vice chair of Planning Committee, determine applications to fell trees protected by TPO's and situated on land which isn't owned or controlled by the Council in circumstances not covered by delegation 1.2.21	The ward councillors must be consulted prior to any decision being taken and allowed 2 weeks in which to register an objection to the proposal
1.2.23	Determine repeat applications to fell trees protected by TPO and situated on land which is not owned or	The Chair and Vice Chair of Planning Committee and

Delegation No.	Summary of Delegation	Comments
	controlled by the Council if made within 2 years of an original application which was refused and if the officer recommendation remains unchanged from the original application.	ward councillors are to receive a copy of any determination made under this delegation
1.2.24	Make structural appraisal of building regulation applications. This includes making arrangements for outside specialist appraisal, if necessary	
1.2.25	Determine all applications for building regulation approval/rejection	
1.2.26	Process all applications for determination of building regulations	If controversial these are referred to Planning Committee
1.2.27	Securing deposited plans providing access and other safety for the fire brigade	
1.2.28	Approve repair grants involving replacement of lead water service pipes where not in a designated improvement area and unlikely to receive a renovation grant within 5 years or to support a common water supply replacement scheme	
1.2.29	Allow withdrawal of a notice served under Section 65 of Public Health Act 1936 if this proves necessary after receipt of an independent report from a suitably qualified person	
1.2.30	To make payments at his discretion for renovation grant works carried out without prior approval. If not satisfied, to refer to Cabinet for a final decision	
1.2.31	Use of powers re ruinous, dilapidated and neglected sites	
1.2.32	Use of powers re dangerous buildings and structures	
1.2.33	Approve house renovation grants together with making stage and final payments	
1.2.34	To authorise any officer or other suitably qualified and / or experienced person to exercise the rights of entry on land conferred by S196A of Town & Country Planning Act 1990	
1.2.35	To operate the Hedgerow Regulations 1997 on land in ownership other than Hyndburn Borough Council including the issue of hedgerow retention notices	
1.2.36	To obtain an ecological or archaeological survey on a hedgerow once a hedgerow removal notice has been received	
1.2.37	To determine, in consultation with the Executive Director (Legal & Democratic Services), whether to	

<b>Delegation No.</b>	<b>Summary of Delegation</b>	<b>Comments</b>
	prosecute after contravention of TPO or hedgerow regulations and to undertake appropriate action	
1.2.38	To deal with all matters relating to the listing of buildings	
1.2.39	To take action pursuant to the Anti-social Behaviour Act 2003 in connection with high hedges, including the service of remedial notices and action in default of remedial notices	In consultation with the Executive Director (Legal & Democratic Services)
1.2.40	To decide the level of fee payable for processing complaints made about high hedges under the Anti-social Behaviour Act 2003	In consultation with the relevant portfolio holder and the Deputy Chief Executive
1.2.41	To waive or refund application fees payable for processing complaints about high hedges under the Anti-social Behaviour Act 2003 where the complainant is in receipt of income support, income based job seekers allowance or guaranteed pension credit	In consultation with the relevant portfolio holder
1.2.42	To order works in default of a remedial notice served in respect of high hedges in anticipation of full cost recovery	
1.2.43	To make agreements under s25 Highways Act 1980	
1.2.44	To make orders under s26 Highways Act 1980	
1.2.45	To require the discontinuance of a use of land	
1.2.46	To apply for injunctions restraining a breach of planning control or in relation to a listed building	In conjunction with the Executive Director (Legal Services)
1.2.49	To take action under section 215 Town and Country Planning Act 1990 (including the service of notices) and to take action to enforce any notice served under section 215	In consultation with the Chair and Vice Chair of Planning Committee and the Executive Director (Legal & Democratic Services)

### **DELEGATIONS TO CHIEF EXECUTIVE**

<b>Delegation number</b>	<b>Summary of delegation</b>	<b>Comments</b>
3.1	Power to designate attendance at meetings and other events as approved duties for the purpose of eligibility for travel and subsistence allowance where such attendance is in connection with the discharge of the Council's functions, including its executive function	

3.2	Power to approve applications for early retirement / voluntary redundancy including under the Local Government Pension Scheme 85 year rule (while in force) and to approve retirement of employees on the grounds of efficiency of the service	Having regard to the relevant Council policy
3.3	<p>Appointment of, dismissal of and taking of disciplinary action as defined in the Local Authorities (Standing Orders) (England) Regulations 2001 (“the 2001Regs”) against chief officers within the meaning of sections 2(6) and 2(7) Local Government and Housing Act 1989 (“the 1989 Act”), Deputy Chief Officers within the meaning of Section 2(8) of the 1989 Act and political assistants within the meaning of section 9 of the 1989 Act.</p> <p>This delegation does not authorise the Chief Executive to take disciplinary action as defined in the 2001 Regs or to dismiss the officers designated as monitoring officer (within the meaning of section 5 1989 Act) or chief finance officer (within the meaning of section 151 of the Local Government Act 1972) and other officers who have the benefit of the JNC Chief Officers terms and Conditions of Employment</p>	<p>This delegation must be exercised in accordance with the Officer Employment Procedure Rules</p> <p>The Chief Executive must report on any action taken under this delegation to the next available meeting of the Council and include in such report confirmation that the said Procedure Rules have been followed</p> <p>The Chief Executive is not authorised to delegate the appointment or dismissal or the taking of disciplinary action against a chief officer to another officer</p>
3.4	<p>Approval of changes to any document forming part of the Council’s policy framework provided the proposed change:</p> <ul style="list-style-type: none"> <li>a) is prescribed by legislation or statutory instrument; or</li> <li>b) merely corrects a typographical error or errors; or</li> <li>c) is of a minor nature (i.e. the proposed change does not affect the substance of the document or change Council policy)</li> </ul>	

**DELEGATIONS TO ALL CHIEF OFFICERS**

**Chief Officer for these purposes means the Chief Executive, the Deputy Chief Executive, the Executive Director (Legal & Democratic), the Head of Parks and Cemeteries, the Head of Community Services, the Head of Regeneration and Housing and the Chief Planning & Transportation Officer**

--	--	--

<b>Delegation number</b>	<b>Summary of delegation</b>	<b>Comments</b>
4.1	Power to refuse applications for early retirement / voluntary redundancy including under the Local Government Pension Scheme 85 year rule having regard to the relevant Council policy	Final approval of such applications is delegated to the Chief Executive  A Chief Officer wishing to recommend approval of such an application must make a report to the Chief Executive
4.2	Determination of appeals against cautions under the Council's capability procedures	An officer determining an appeal must have had no previous involvement with the relevant capability process
4.3	Determination of appeals against dismissal under the Council's capability procedures	In consultation with the Leader of the Council or his / her nominee and the Leader of the main opposition party or his / her nominee and the Head of Human Resources or his / her nominee and in accordance with the Council's capability policy  A Chief Officer must have had no previous involvement with the relevant capability procedure or decision making process  Determination of appeals against dismissal may not be delegated by a chief officer

### **DELEGATIONS TO EXECUTIVE DIRECTOR (LEGAL & DEMOCRATIC SERVICES)**

<b>Delegation number</b>	<b>Summary of delegation</b>	<b>Comments</b>
5.1	To approve changes to the Council's written constitution provided the proposed change: a) is prescribed by legislation or statutory instrument; or b) merely corrects a typographical error or errors	
5.2	To appoint Independent Members to the Standards	In consultation with the Chair

	Committee	of the Standards Committee
5.3	To appoint Members of the Independent Remuneration Panel	
5.4	To agree and enter into agreement pursuant to section 106 Town and Country Planning Act 1990	In consultation with the Chief Planning and Transportation Officer and the Chair and Vice Chair of the Planning Committee
5.5	In respect of Part 1 Chapter 1 Local Government and Public Involvement in Health Act 2007: To undertake consultations in respect of proposed changes to the Council's scheme for elections; and To comply with the statutory requirements for publicity and notification of the Electoral Commission in respect of changes to the Council's scheme for elections	
5.6	In respect of community governance reviews under Chapter 3 Part 4 Local Government and Public Involvement in Health Act 2007; To comply with the notification and publicity requirements in sections 80, 96 and 98; and To make agreements about incidental matters under section 99	
5.7	In relation to non-executive functions, to commence, defend, settle or appear in legal proceedings to protect the Council's assets or interests or if appropriate for the benefit of the inhabitants of the Borough and to prosecute any person or persons in accordance with the Council's non-executive powers	
5.8	Power to advertise and seek applications for the position of independent member of the audit panel pursuant to the Local Audit & Accountability Act 2014	
	<b>Licensing Functions</b>	
5.8.1	To exercise the powers conferred by the following legislation (including, without limitation, the determination of fees) and to appoint and authorise officers and any other suitably qualified and / or experienced person under any of the Statutes for any of the appropriate provisions which fall within the remit of the Licensing Section and any re-enactment of similar provisions or regulations made under any of the Acts. Applicable to:- Scrap Metal Dealers Act 2013	

	<p>Public Health Act 1936  Health &amp; Safety at Work etc. Act 1974  Cinemas Act 1985  Theatres Act 1968  Sunday Entertainments Act 1932  Sunday Theatre Act 1972  Hypnotism Act 1952  Local Government (Miscellaneous Provisions) Act 1976  Local Government (Miscellaneous Provisions) Act 1982  Transport Act 1985  Town Police Clauses Act 1847  Lotteries and Amusements Act 1976  Criminal Justice and Public Order Act 1994 (including taking legal proceedings)  County of Lancashire Act 1984  Game Act 1831  Game Licences Act 1860  Gambling Act 2005  Gaming Act 1968  Vehicle (Crime) Act 2001  Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
5.8.2	To exercise functions under the Licensing Act 2003 designated as the responsibility of the Head of Environmental Health Services in the Council's Statement of Licensing Policy	In accordance with the Statement of Licensing Policy
5.8.3	To authorise officers pursuant to section 304 Gambling Act 2005	In accordance with the Statement of Gambling Licensing Policy and Principles
5.8.4	To determine applications for premises licenses under the Gambling Act 2005 where no representations received or representations have been withdrawn	
5.8.5	To determine applications for variation of premises licenses under the Gambling Act 2005 where no representations received or representations withdrawn	
5.8.6	To determine applications for transfer of premises licenses under the Gambling Act 2005 where no representations received from the Gambling Commission	
5.8.7	To determine applications for a provisional statement under the Gambling Act 2005 where no representations have been received or	

	representations have been withdrawn	
5.8.9	To determine applications for club gaming or club machine permits under the Gambling Act 2005 where no objections have been received or representations have been withdrawn	
5.8.10	To set fees under the Gambling Act 2005	In consultation with the relevant portfolio holder in respect of fees for 2007/08
5.8.11	In respect of the Gambling Act 2005 and subordinate legislation:: Power to exchange information; Power to provide information to the Gambling Commission Power to exercise functions relating to the registration and regulation of small lotteries	
5.8.12	To undertake the following functions in respect of the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and (where applicable) in accordance with the Council's Sexual Entertainment Venue Policy: <ul style="list-style-type: none"> <li>• determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received;</li> <li>• cancellation of licence</li> <li>• determining license fees</li> <li>• enforcement of the provisions of Part II and Schedule 3 of the said 1982 Act</li> </ul>	

## DELEGATIONS TO HEAD OF PARKS AND CEMETERIES

Delegation No.	Summary of Delegation	Comments
6.1	To exercise the powers conferred by the following legislation and to appoint and authorise officers or any other suitably qualified and or experienced person under any of the Statutes for any of the appropriate provisions which fall within the remit of the Environmental Services Division and any re-enactment of similar provisions or regulations made under any of the Acts. Applicable to:- Health & Safety at Work etc. Act 1974 Environmental Protection Act 1990 (in so far at it is	



Delegation No.	Summary of Delegation	Comments
	<p>a non-executive function)</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p> <p>Clean Neighbourhoods &amp; Environment Act 2005</p> <p>Local Authorities Cemeteries Order 1977</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
6.2	To liaise with Lancashire County Council on residual highway arrangements and in particular standards and funding for the maintenance of highway verges, trees and weed control.	
6.3	To authorise appropriate staff within the Parks and Cemeteries Section to appear in court	
6.4	Take action on dangerous trees	

### DELEGATIONS TO HEAD OF COMMUNITY SERVICES

Delegation No.	Summary of Delegation	Comments
7.1	<p>To implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person pursuant to the following legislation ( and any re –enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of Community Services.</p> <p>Applicable to:-</p> <p>Refuse Disposal (Amenity) Act 1978</p> <p>Health &amp; Safety at Work etc. Act 1974</p> <p>Environmental Protection Act 1990 (in so far as it is a non-executive function)</p> <p>Clean Neighbourhoods &amp; Environment Act 2005</p> <p>Food Safety Act 1990 ( in so far as it is not a non executive function)</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
7.2	To liaise with Lancashire County Council on residual highway arrangements and in particular	

37 of 48

Municipal Year 2017/18

Part 3 - Responsibility for Functions - App 4 - Scheme of Delegation

Delegation No.	Summary of Delegation	Comments
	standards and funding for the maintenance of highway verges, trees and weed control.	
7.3	To set charges for the collection of non-household waste.	
7.4	To authorise appropriate staff within the Community Services Division to appear in court	
7.5	To represent the Council at the Lancashire Waste Partnership	
7.6	To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise officers within the Community Services Division to exercise such powers	
7.7	<p>To implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person pursuant to the following legislation ( and any re –enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of Community Services.</p> <p>Applicable to:-</p> <ul style="list-style-type: none"> <li>Animal Boarding Establishments Act 1963</li> <li>Caravan Sites and Control of Development Act 1960</li> <li>Breeding of Dogs Act 1973 / 1991</li> <li>Breeding and Sale of Dogs (Welfare) Act 1999</li> <li>Riding Establishments Act 1964 / 1970</li> <li>Pet Animals Act 1951</li> <li>Public Health Act 1936 / 1961</li> <li>Dangerous Wild Animals Act 1976</li> <li>Health &amp; Safety at Work etc. Act 1974</li> <li>Food Safety Act 1990</li> <li>Environmental Protection Act 1990 (in so far at it is a non-executive function)</li> <li>Riding Establishments Act 1970</li> <li>Cinemas Act 1985</li> <li>Theatres Act 1968</li> <li>Local Government (Miscellaneous Provisions) Act 1976 / 1982</li> <li>Food Safety and Hygiene Regulations 2013</li> <li>Fire Safety and Safety of Places of Sport Act 1987</li> <li>Performing Animals (Regulation) Act 1925</li> <li>Safety at Sports Grounds Act 1975</li> </ul>	

<b>Delegation No.</b>	<b>Summary of Delegation</b>	<b>Comments</b>
	Slaughterhouses Act 1974 Zoo Licensing Act 1981 Building Act 1984 Dangerous Dogs Act 1991 Clean Air Act 1993 (in so far as it is a non-executive function) Noise and Statutory Nuisance Act 1993 (in so far as it is a non-executive function) Criminal Justice and Public Order Act 1994 (including taking legal proceedings) Health Act 2006. Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same	
7.8	To authorise appropriate staff within the department to appear in court	
7.9	To take action under section 215 of the Town and Country Planning Act 1990 (including the service of notices) and to take action to enforce any notice served under section 215	
7.10	To authorise rights of entry on land under section 196 Town and Country Planning Act 1990 for appropriate staff within the Section	
7.11	To appoint proper officers and alternative proper officers for the purposes of the Public Health (Control of Disease) Act 1984 or any statutory enactment or amendment to that Act	
7.12	To review and update the Council's food law enforcement plan	

### **DELEGATIONS TO HEAD OF REGENERATION AND HOUSING**

<b>Delegation No.</b>	<b>Summary of Delegation</b>	<b>Comments</b>
8.1	To take action under section 215 of the Town and Country Planning Act 1990 (including the service of notices) and to take action to enforce any notice served under section 215	
8.2	To implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and/ or experienced person pursuant to the following legislation ( and any re – enactment or	

Delegation No.	Summary of Delegation	Comments
	<p>modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of housing , buildings, blight and environmental protection.</p> <p>Town and Country Planning Act 1990  Caravan Sites Act 1968  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  Animal Boarding Establishments Act 1963  Riding Establishments Act 1964  Breeding of Dogs Acts 1973 and 1991  Pet Animals Act 1951  Dangerous Wild Animals Act 1976  Public Health Acts 1936 and 1961  Breeding &amp; Sale of Dogs (Welfare) Act 1999</p>	

## Part 4 - Appointment of Statutory and Proper Officers

1. The posts set out below shall be the designated statutory or proper officers of the Council and shall be responsible for the statutory responsibilities attached to the role of the relevant statutory or proper officer.
2. In the event of any officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive, or in his absence, the Executive Director (Legal & Democratic Services), and in the absence of both, the Executive Director (Resources), shall nominate an officer to act in their stead.
3. Until the Council decides otherwise the Chief Executive is appointed the proper officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express proper officer appointment has, for the time being, been made.

### Statutory Officers

Legislation	Section	Statutory Officer	Allocated To
Local Government Act 1972	S151	Chief Finance Officer	Deputy Chief Executive
Local Government and Housing Act 1989	S4	Head of Paid Service	Chief Executive
Local Government and Housing Act 1989	S5	Monitoring Officer	Executive Director (Legal & Democratic Services)

### Proper Officers

Legislation	Section	Provision	Proper Officer
		Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 <sup>th</sup> October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.	Chief Executive
		Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local	Chief Executive

Government Act 1992, is to be construed as a reference to the Proper Officer of the Council			
	S83	Accepting declarations of acceptance of office	Executive Director (Legal & Democratic Services)
	S84	Receiving resignations from office	Executive Director (Legal & Democratic Services)
	S88	Convening Council meeting for election of chairman	Chief Executive
	S89	Receiving notice of casual vacancy in office of councillor	Executive Director (Legal & Democratic Services)
	S96	Receiving and recording member interests	Executive Director (Legal & Democratic Services)
Local Government Act 1972	S100(B)(2)	Circulation of reports and agendas	Chief Executive
	S100(B)(7)	Supply of papers to press	Chief Executive
	S100(C)(2)	Summary of minutes	Chief Executive
	S100(D)(1)(a)	Compilation of background papers	Chief Executive
	S100(D)(5)(a)	Identification of background papers	Chief Executive
	S100(F)	Identification of confidential documents not open to Members	Chief Executive
	S115(2)	Receipt of money due from Officers	Deputy Chief Executive
	S146(1)(a)&(b)	Declarations and certificates with regard to securities	Deputy Chief Executive
	S191	Ordnance Survey requests for assistance	Chief Executive
	S204(3)	Receipt of application for licence under Licensing Act 1964	Executive Director (Legal & Democratic Services)
	S210(6) & (7)	Charity functions of holders of offices with existing authorities	Deputy Chief Executive

	transferred to holders of equivalent office with new authorities, or if there is no such office, to the Proper Officer	
S225(1)	Deposit of documents	Chief Executive
S228(3)	Accounts – to be open for inspection	Deputy Chief Executive
S229(5)	Deposit of documents - certification	Deputy Chief Executive
S234	Authentication of documents	Deputy Chief Executive
S234(2)	Statutory Notices under various Public Health and Associated Legislation	Chief Executive
S236(9)&10	Service of Byelaws on other Authorities	Executive Director (Legal & Democratic Services)
S238	Certification of Byelaws	Executive Director (Legal & Democratic Services)
Schedule 14 Para 25(7)	Certification of resolutions – Para 25	Executive Director (Legal & Democratic Services)
S248 (2)	Keeping roll of Freeman	Chief Executive
Schedule 12 Para 4(2)(b)	Signature of summons to Council	Chief Executive
Schedule 12 Para 4 (3)	Receipt of notices regarding addresses which Summons to meeting are to be sent	Chief Executive
Schedule 16 Para 28	Receipt of deposit lists of protected buildings	Executive Director (Legal & Democratic Services)
N/A	Any reference in any local statutory provision to the	Deputy Chief Executive

		Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council	
	N/A	Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 <sup>th</sup> October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council	Deputy Chief Executive
Local Government Act 1974	S30(5)	Notice of Local Government Ombudsman report	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	S41	Certification of copies of resolutions, Minutes, other documents	Chief Executive
Rent (Agriculture) Act 1976	All	Provision of alternative accommodation	Deputy Chief Executive



		Regeneration and Architecture	
Local Authorities Cemeteries Order 1977	All	Officer of the burial authority	Chief Executive
	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Chief Executive
Cremation Regulations	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Chief Executive
Rent Act 1977	S15	Certificates of provision of suitable alternative Regeneration and Architecture  Part 1V accommodation	Chief Executive
Rates Act 1984	S7	Certification of rate	Deputy Chief Executive
Building Act 1984	S61(2)	Repair etc., of drain	Executive Director (Legal & Democratic Services)
	S78	To act as “the Surveyor” empowered to take and authorise emergency action in respect of damage to dangerous buildings, walls etc.  To order the demolition of buildings rendered dangerous by damage, without prior	Executive Director (Legal & Democratic Services)

		authorisation of the Council	
Weights and Measures Act 1985	S72	Chief Inspector (Weights and Measures)	Chief Executive
Local Elections (Principal Areas) Rule 1986	Rule 44	Receipt from Returning Officer of names of persons elected to Council	Executive Director (Legal & Democratic Services)
	Rule 46,47	Receipt from Returning Officer of election documents	Executive Director (Legal & Democratic Services)
	Rule 48, 49, 51	Retention of election documents and making them available for public inspection	Executive Director (Legal & Democratic Services)
Elections		Registration Officer for any constituency or part of a constituency coterminous with or contained in the Council	Executive Director (Legal & Democratic Services)
		Returning Officer for the election of Councillors for the Borough	Executive Director (Legal & Democratic Services)
		Officer who may do acts in respect of Registration in the event of the Executive Director (Legal & Democratic Services) incapacity	Chief Executive
		Custody of declarations of acceptance of office	Executive Director (Legal & Democratic Services)
Representation of the People Act 1983	S82	Witnessing signatures on declarations as to local election expenses	Executive Director (Legal & Democratic Services)
	S52	Deputy to the	Chief Executive

		registration officer	
Local Government Finance Act 1988	S114	Preparing reports in the case of unlawful expenditure	Deputy Chief Executive
	S116	Notifying auditor of meetings to consider reports under s114	Deputy Chief Executive
Local Government and Housing Act 1989	S2	Receipt of list of Politically Restricted Posts	Executive Director (Legal & Democratic Services)
	S15-17	Notice of formation of political group, changes in membership or name or leader or deputy leader of a political group and group nominations to committee's	
	S19	Members interests – notification	Executive Director (Legal & Democratic Services)
	S15, 16,17	Receipt of notices relating to Political Groups	Executive Director (Legal & Democratic Services)
	S3	Certifying that a post is or is not politically restricted	Executive Director (Legal & Democratic Services)
Environmental Protection Act 1990	S149	Stray dogs	Chief Executive
Local Authority (Members Allowances) Regulations 1991	R14	Receipt of notice from members electing to forego entitlement to allowances	Executive Director (Legal & Democratic Services)
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Executive Director (Legal & Democratic Services)
The Local Authorities (Executive Arrangements) (Access to Information	Regs 3 and 4	Recording of collective Executive Decisions Verification etc. of Mayoral Petitions	Chief Executive

47 of 48

Municipal Year 2017/18

Part 3 - Responsibility for Functions - App 4 - Scheme of Delegation

(England) Regulations 2000			
The Local Authorities (Standing Orders) (England) Regulations 2000	Regs 3 and 4 and Schedule 1	Provision relating to the appointment and dismissal of staff	Chief Executive
Regulation of Investigatory Powers Act 2000	Part II of the Act	Appointment to act as the Senior Responsible Officer	Executive Director (Legal & Democratic Services)
Local Government Act 2000	S81	Maintaining a register of members financial and other interests	Executive Director (Legal & Democratic Services)