

Agenda



HYNDBURN
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Leader's Decisions

Thursday, 30th May, 2024 at 4.00 pm,

Membership

Councillor Munsif Dad BEM JP, Leader of the Council

AGENDA

- 1 **Approval of Scheme of Delegation of Executive Functions to Officers** (Pages 3 - 24)

Decision Notice attached.



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DECISION BY THE LEADER OF THE COUNCIL

PRESENT:

Councillor Munsif Dad BEM JP, Leader of the Council

Julian Joinson, Member Services Manager

Subject: Approval of Scheme of Delegation of Executive Functions to Officers, 2024/25

1. Purpose

1.1 To approve a scheme of delegation of executive functions to officers for the 2024/25 Municipal Year.

2. Background

2.1 Under the Leader and Cabinet Executive model adopted by the Council, which came into effect on 9th 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 23rd May 2024 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 executive functions (Part 2) forms part of the same section of the Constitution (Appendix 4 to Part 3 – Responsibility for Functions).

3. Decision

3.1 I approve the scheme of delegation of executive functions to officers for the Municipal Year 2024/25, as attached.

3.2 I also authorise the delegation by Cabinet of any of these functions to officers.

Decision made by:

..... Munsif Dad

Councillor Munsif Dad BEM JP
Leader of the Council

Date: 30th May 2024

Decision published on: 30th May 2024

Part 2 - Delegation of Executive Functions to Officers

DELEGATIONS TO ALL CHIEF OFFICERS

Chief Officer for these purposes means the Chief Executive, the Executive Director (Resources), the Executive Director (Legal & Democratic), the Executive Director (Environment), the Head of Environmental Services, the Head of Regeneration and Housing, the Head of Environmental Health, the Head of Policy & Organisational Development and the Chief Planning & Transportation Officer

Summary of Delegation	Comments
<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 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) accept offers of grant funding made to the Council by the Government, Government agencies or charitable bodies and enter into grant agreements in respect of the same</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>m) be responsible as client under the Construction (Design & Management) Regulations 1994 for all relevant projects undertaken by the Council within their service areas</p> <p>n) enter into data sharing agreements with third parties pursuant to the Data Protection Act 2018 or the General Data Protection Regulations</p>	
<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>
<p>To deal with the following employment issues within the Chief Officers service area :</p> <ul style="list-style-type: none"> i) make changes to staffing structures within the relevant service budget ii) approve honoraria payments not exceeding £2000 iii) make arrangements for maternity leave and staffing cover iv) approve applications for leave of absence in cases not covered by Council policy 	<p>In exercising their delegated powers Chief Officers must:</p> <ul style="list-style-type: none"> i) act within the law and in accordance with any statutory requirements and procedures iii) comply with the Council's policies and procedures iv) act within the budget for the relevant service area

DELEGATIONS TO THE CHIEF EXECUTIVE

Summary of Delegation	Comments
<p>To act as the head of paid service under section 4 of the Local Government and Housing Act 1989</p>	
<p>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</p>	
<p>To carry out any function which is delegated to a particular chief officer subject to any limits or conditions attaching to that delegation</p>	
<p>To grant exemptions on the political restriction of officer posts under the Localism Act 2011</p>	
<p>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</p>	<p>In consultation with the monitoring officer</p>

Arrangements) (Meetings and Access to Information) (England) Regulations 2012	
Designation of reserve delegated officers in absence of the relevant Chief Officer	
To keep under review the terms and conditions of the Executive Director Resources, the Executive Director (Legal & Democratic Services) and the Executive Director (Environmental Services) and make such revisions as considered appropriate within the resources available	
Attestation of the Common Seal and authorisation of other officers for this purpose in connection with the exercise of executive functions	
Appointment of officers(s) to act as deputy in respect of delegated functions in this constitution or in accordance with Cabinet minutes	
Exceptions to Flying the Flag policy	Consult with Mayor, Leader of the Council and Group Leaders
Applications for marches under Public Order Act 1936	Consult with Leader, Deputy Leader and relevant Portfolio Holder.
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
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	
To exercise powers under the Civil Contingencies Act 2004	
To receive and respond to expressions of interest under the Community Right to Challenge under Part 5 Chapter 2 Localism Act 2011	
To designate approved duties for the purpose of the Council's members allowances scheme	
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 Executive Director (Resources) and the Executive Director (Legal & Democratic Services)
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
(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	
To ensure appropriate risk management arrangements are in place across the Council	

DELEGATIONS TO HEAD OF REGENERATION AND HOUSING

Summary of Delegation	Comments
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"> • grant aid up to a maximum of £50,000 • equity loan for refurbishment up to a maximum of £30,000 • equity loan for relocation up to a maximum of £40,000 • grant aid / equity loan for conversions of 2 or more dwellings to 1 to provide satisfactory accommodation up to a maximum of £50,000 • energy efficiency grants / affordable warmth grants up to a maximum of £30,000 • emergency works grants up to a maximum of £7,000 • home security assistance grants up to a maximum of £3,000 • hospital discharge grants up to a maximum of £3,000 	
To make grants towards the cost of separate water connection	
Adaptations for the disabled – permit grant aid for extensions where internal amenities and structural change necessitate this to accommodate a stair lift or similar	
To determine whether or not to approve housing assistance where works commenced prior to approval where good reason shown	
To set fees for agency services for housing renewal activity as defined by the Council's Housing Renewal Policy	
To acquire houses for Regeneration / Housing Renewal purposes and where appropriate selecting such houses for improvement	
To carry out necessary works (following tendering procedures) to houses for improvement for sale	
To be responsible for administration and pre-contract works of block rehabilitation schemes	
To make statutory returns under the Home Energy Conservation Act	
To assess housing need and make nominations to RSL's under the terms of the Council's approved allocations scheme	
To assess, advise and where appropriate assist all households presenting themselves as homeless or threatened with homelessness in accordance with homelessness legislation and any relevant Code of Guidance	
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	
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)
In so far as they are executive functions, to implement and exercise the powers conferred by the following legislation and to authorise in	

<p>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 and blight:</p> <p>Acquisition of Land Act 1981 Land Compensation Act 1972 Housing Grants Construction & Regeneration Act 1989 Regulatory Reform Order 2002 Homelessness Act 2002 Law of Property Act 1925 Law of Land Act 1925 Local Government Act 2000 The Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes)(England) Order 2013 Licensing Act 2003 Homelessness Reduction Act 2017 Home Energy Conservation Act 1995 Also any Regulations, Order, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
Virement between HIP expenditure blocks and between yearly programmes	In consultation with the Executive Director (Resources)
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
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
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	
To make grants to voluntary sector bodies in connection with the Council's obligations to prevent homelessness up to a maximum of £30,000 per grant	Subject to consultation with the Portfolio Holder
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	
To authorise disposal of items from the Howarth Art Gallery collection up to a value of £25,000 per disposal provided: <ul style="list-style-type: none"> - the disposal is in accordance with the Museum Association's Code of Ethics; and - the Head of Regeneration & Housing is satisfied that the Council has capacity to dispose of the item following a proper due diligence exercise being carried out 	Subject to consultation with the Leader of the Council and the Portfolio Holder
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

	<p>governed by the Regulation of Investigatory Powers Act 2000</p> <p>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</p>
PROPERTY SERVICES	
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 portfolio holder
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.	
<p>(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</p> <p>(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.</p>	
In connection with general vesting declarations, to agree further occupation periods of up to six months for occupiers of business premises.	
<p>(i) To manage, agree terms and instruct the Council's Legal Services department to effect all new and renewal leases, licences, tenancy agreements, lease surrenders 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 to the new or ancillary transaction:</p> <ul style="list-style-type: none"> - the term exceeds twenty-five years - the annual rent or fee until the first rent or fee review (if applicable) exceeds £20,000 (twenty thousand pounds) per annum; or - the letting is at less than best consideration <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 provided that the lease term does not exceed five years and / or the annual rental during the term 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 reviews for all leases held by the Council as the tenant.</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>(vii) to accept the surrender of leases provided</p> <ul style="list-style-type: none"> - the unexpired residue of the term does not exceed ten years; and - the annual rent payable at the time of surrender does not exceed £20,000 (twenty thousand pounds) per annum; 	<p>(iv) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p> <p>(v) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p> <p>(vi) In consultation with the Executive Director (Legal & Democratic) Services</p> <p>(vii) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p>
<p>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.</p>	
<p>(i) To agree terms and instruct the Council's Legal Services department in respect of all property and land asset disposals, lease surrenders, 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</p> <p>(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.</p>	<p>(i) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p> <p>(ii) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p>
<p>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</p>	<p>In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p>
<p>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</p>	

To grant licences for the purpose of providing Covid 19 testing or vaccination centres	
To agree to disposals of public open space provided: <ul style="list-style-type: none"> - notice of the proposed disposal has been given under section 123 Local Government Act 1972; and - all responses to the notice referred to above have been considered; and - the disposal at market value or better; and - the consideration for the disposal does not exceed £75,000 (excluding fees) 	

DELEGATIONS TO EXECUTIVE DIRECTOR (LEGAL & DEMOCRATIC SERVICES)

Summary of Delegation	Comments
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.	
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	
To instruct external solicitors and/or counsel to represent the Council	
To authenticate documents in connection with the exercise of executive functions	
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	
To obtain particulars of land ownership in connection with any executive function	
To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements	
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
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	
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	
To act as the Senior Responsible Officer for the purpose of Part II Regulation of Investigatory Powers Act 2000	
To make changes to the workplace smoking policy to take account of legislative requirements	

<p>To take action to enforce a sale of property in the following circumstances:-</p> <ol style="list-style-type: none"> 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 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. <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"> 1) In consultation with the Head of Regeneration and Housing and the relevant Portfolio Holder 2) In consultation with the Head of Department which raised the debt and the relevant Portfolio Holder
<p>To make changes to the Council's policy on Councillors' use of ICT services and equipment.</p>	<p>In consultation with the Leader's Policy Development Board</p>
<p>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</p>	
<p>To act as electoral registration officer for the Council in accordance with section 8 Representation of the People Act 1983</p>	
<p>To administer the Council's payroll function</p>	
<p>To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</p>	<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 to confirmation of the approval by the Legal Services Manager or a solicitor within the Council's Legal Services Section</p>
<p>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</p>	<p>In consultation with the portfolio holder and relevant ward councillors</p>
<p>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</p>	
<p>Without prejudice to 4.19 and 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</p>	
<p>To agree amendments to the allotment guidelines and to publish the same</p>	<p>In consultation with the portfolio holder and the Chief Planning & Transportation Officer</p>
<p>To act as the Council's data protection officer and to exercise the powers of the data protection officer in accordance with the General Data Protection Regulations and the Data Protection Act 2018</p>	
<p>To act as a single point of contact in connection with applications to access communications data pursuant to the Regulation of</p>	

Investigatory Powers Act 2000, subject to the provisions and requirements of that Act

DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER

Summary of Delegation	Comments
Directions under the provisions of Article 4 of the Town and Country Planning General Development Procedure Order 1995	
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 supplementary planning guidance	
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	
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	
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	
To exercise the Council's residual highway functions	In consultation with the relevant portfolio holder
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	
To carry out the functions of the Council in respect of: (a) the numbering of properties and (b) the renumbering / renaming of existing properties under Section 17 and 18 of the Public Health Act 1925	
To provide seats on highway land, where appropriate	
To operate the Hedgerow Regulations 1997 on land in the Borough including issuing a Hedgerow Retention Notice	
The making of Temporary Highway Closure Orders under Section 21 of the Town Police Clauses Act 1847	
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	
To negotiate and agree terms for garage plot leases and to review and increase the rent payable under such leases	
ENGINEERING	
To receive notice of intention to demolish buildings or parts of buildings (unless exempt) within the Borough. To issue notices concerning the manner of any demolition to be carried out	
To take steps to protect unoccupied buildings from unauthorised entry or causing danger to public health	

To make additions to or deletions from list of contractors approved for demolition	
To exercise the Council's functions as risk management authority under section 6 Flood and Water Management Act 2010	
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 EXECUTIVE DIRECTOR (RESOURCES)

Summary of Delegation	Comments
To undertake the proper administration of the Council's financial affairs and the operation of the Council's accounting systems	
To arrange all borrowing, financing and investment in line with the Council's Treasury Management Policy	
To exercise the budgetary control functions referred to the Executive Director (Resources) in the Council's Financial Procedure Rules	
To administer the calculation and payment of housing benefit and council tax support	
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.	
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.	
To determine the size of the Council Tax Support Exceptional Hardship Fund each year;	
To make appropriate banking arrangements on behalf of the Council	
To insure against risks where he considers this appropriate	
To sign attachment of earnings orders	
To determine National Non Domestic Rates hardship cases and assess relief	
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	
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	
To award, cancel and recover discretionary housing payments under the Discretionary Financial Assistance Regulations 2001	
Power to write off debts up to a value of £5,000 each	
Power to write off debts of any value if: <ul style="list-style-type: none"> • The debtor is bankrupt or in liquidation and there is no likelihood of the debt being paid; or 	

<ul style="list-style-type: none"> • The debtor has absconded and all reasonable enquiries have failed to locate them; or • The debtor is in prison and has no means to pay; or • The debtor has died and there is no estate 	
Power to write off debts of council tax and non-domestic rates of any value if: <ul style="list-style-type: none"> • The debt has been remitted by the magistrates court; or • The debtor has been imprisoned in respect of the debt 	
Responsibility for maintaining an adequate and effective system of internal audit	
Responsible for the Council's compliance with taxation regulations for the purposes of the CIPFA Code of Tax Management	
To operate the Council's car loan and car leasing schemes	
To authorise the investigation and prosecution of offences pursuant to the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013	
LEISURE	
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	
To allocate athletics track at Wilson Playing Fields free of charge up to 4 times each year to Hyndburn Athletics Club	
Relaxation of by-laws for cycle races	In consultation with the relevant portfolio holder
To determine Christmas closure arrangements in respect of leisure facilities	In consultation with the relevant portfolio holder
To determine the terms and conditions with artists/organisers for the arts and entertainments programme	
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	
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
(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	
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DELEGATIONS TO THE HEAD OF AUDIT & INVESTIGATIONS

Summary of Delegation	Comments
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	
Power 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 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
To act as the Council's data protection officer in the absence or incapacity of the Executive Director (Legal & Democratic Services) and in such circumstances to exercise the powers of the data protection officer in accordance with the General Data Protection Regulations and the Data Protection Act 2018	
To act as a single point of contact in connection with applications to access communications data pursuant to the Regulation of Investigatory Powers Act 2000, subject to the provisions and requirements of that Act	

DELEGATIONS TO HEAD OF BENEFITS, REVENUES AND CUSTOMER SERVICES

Summary of Delegation	Comments
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 POLICY & ORGANISATIONAL DEVELOPMENT

Summary of Delegation	Comments
To authorise internal candidate only recruitment exercises in accordance with the Council's Recruitment and Selection policy	
To implement the Council's job evaluation scheme	

To develop and implement the Council's training and development programme for members and employees	
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DELEGATIONS TO THE EXECUTIVE DIRECTOR (ENVIRONMENT)

Summary of Delegation	Comments
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	
To deal with applications for rubbish amnesty, Clean Streets initiatives or similar	In consultation with the relevant Portfolio Holder
To act as delegated officer in respect of the Council's vehicle operator licence and MOT testing facility	
To amend and update the Council's strategy and service standards for Environmental 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
Power 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 also to confirmation of the approval of the Executive Director (Legal & Democratic Services) the Legal Services Manager or a solicitor within the Council's Legal Services Section
To exercise the provisions of and issue notices under Sections 43 and 48 of the Anti-Social Behaviour Act 2003	
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	
Take appropriate action in behalf of the Council's market franchise rights	In consultation with the Executive Director (Legal & Democratic Services)
To manage the Council's markets	
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
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 the Council's environmental and waste management / handling / treatment and	

<p>recycling functions :Applicable to the following in so far as they are executive functions:- The Hazardous Waste Regulations 2005 The Waste Management Regulations 2006 The Environmental Permitting Regulations 2016 Environmental Protection Act 1990 Environmental Act 2021 The Packaging Waste (Data Reporting) Regulations 2024 Refuse Disposal (Amenity) Act 1978 Clean Neighbourhoods and Environment Act 2005</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
To act as the authorised officer in respect of the Council's waste transfer licence for the Willows Lane waste transfer facility	
To represent the Council at the Lancashire Waste Partnership	

DELEGATIONS TO THE HEAD OF ENVIRONMENTAL SERVICES

Summary of Delegation	Comments
The provision and management of the Cemeteries and Crematoria	
The appointment of the Medical Referee and Deputy Medical Referee by virtue of The Cremation Regulations 1930	
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 Portfolio Holder
To exercise the powers of the Council in respect of dogs pursuant to: <ul style="list-style-type: none"> - sections 149 – 151 Environmental Protection Act 1990 - The Microchipping Of Cats And Dogs (England) Regulations 2023 	

DELEGATIONS TO HEAD OF ENVIRONMENTAL HEALTH

Summary of Delegation	Comments
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	
To authorise appropriate staff within Environmental Services to appear in court	
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise officers within Environmental Services to exercise such powers	
To implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer	

Summary of Delegation	Comments
<p>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 the Council's environmental health and environmental protection functions</p> <p>:Applicable to:-</p> <ul style="list-style-type: none"> Agriculture (Miscellaneous Provisions) Act 1968 Agriculture Act 1970 Animal Boarding Establishments Act 1963 Animal By-Products (England) Regulations 2005 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 Any Orders or Regulations having effect by virtue of the European Communities Act 1972 Breeding of Dogs Act 1973 and 1991 Breeding and Sale of Dogs (welfare) Act 1999 Building Act 1984 Caravan Sites Act 1968 Caravan sites (Control of Development) Act 1960 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Control of Pollution Act 1974 Criminal Justice and Public Order Act 1994 Dangerous Wild Animals Act 1976 Energy Act 2013 / The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Environment Act 1995 Environment Act 2021 Environmental Damage (Prevention & Mediation) Regulations 2009 Environmental Permitting (England & Wales) Regulations 2010 Environmental Protection Act 1990 Food Act 1984 Food Safety Act 1990 (in so far as it is an executive function) Food Safety and Hygiene (England) Regulations 2013 Food Information Regulations 2014 Guard Dogs Act 1975 Health Act 2006 Housing Act 1985 Housing Act 1996 Housing Act 2004 Housing and Planning Act 2016 Land Drainage Act 1991 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 	

Summary of Delegation	Comments
<p>Microbiological Criteria for Foodstuffs Regulations 2005 Mobile Homes Act 2013 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Official Feed and Food Controls (England) Regulations 2009 Performing Animals Regulations Act 1925 Pet Animals Act 1951 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) Protection from Eviction Act 1977 (as amended by the Housing Act 1988) Public Health (Control of Disease) Act 1984 Public Health Acts 1936 and 1961 Refuse Disposal (Amenity) Act 1978 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 Riding Establishments Act 1964 Safety at Sports Ground Act 1975 Scrap metal Dealers Act 2013 Slaughter of Poultry Act 1967 Sunbed (Regulations) Act 2010 Sunday Trading Act 1994 The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 The Food (Jelly Mini Cups) (Emergency Control) (England) Regulations 2009 The Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes)(England) Order 2013 The Specified Products from China (Restriction on First Placing on the Market) (England) (Amendment) Regulations 2012 The Trade In Animals and Related Products Regulations 2011 Town and Country Planning Act 1990 Transmissible Spongiform Encephalopathies (England) Regulations 2010 Water Act 2014 Water Industry Act 1991 Water Industry Act 1991 as amended Water Supplies (Water Fittings) Regulations 1999 Water Supplies (Water Quality) Regulations 2010 Zoo Licensing Act 1981 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. The Management of Houses in Multiple Occupation (England) Regulations 2006 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. Mortgage Repossessions Act 2010 Deregulation Act 2015</p>	

Summary of Delegation	Comments
<p>Homes (Fitness for Human Habitation Act) 2018 Tenant Fees Act 2019 Private Water Supplies Regulations 2016 The Private Water Supplies (England) (Amendment) Regulations 2018 The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 The Licensing of Houses in Multiple Occupation (prescribed Descriptions) (England) Order 2018 Health and Safety at Work Etc. Act 1974 (and associated Regulations made under the Act)</p> <ul style="list-style-type: none"> - S. 20 and S 25 (Powers of entry, order areas to be left undisturbed, take samples, photos, measurements, require any person to answer questions, to be harmless) - S. 21 improvement notices - S. 22 prohibition notices - S. 38 institute legal proceedings <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
To authorise rights of entry on land under section 196 Town and Country Planning Act 1990 for appropriate staff within the Section	
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	
To review and update the Council's annual food service plan	
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise officers within Environmental Services to exercise such powers	
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
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
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)
(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	In consultation with the portfolio holder

Summary of Delegation	Comments
(b) to determine scrap metal licences fees in accordance with Schedule 1 paragraph 6 Scrap Metal Dealers Act 2013	
<p>To exercise the powers of the Council under The Animal Welfare Act 2006 and The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 in respect of:</p> <ul style="list-style-type: none"> i) risk rating appeals ii) the suspension or variation of licences iii) the annual review and adjustment of fees and charges 	
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	
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 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</p>

