



HYNDBURN

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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, 2026/27

1. Purpose

1.1 To approve a scheme of delegation of executive functions to officers for the 2026/27 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 28th May 2026 approved the scheme of delegation of non-executive functions, as identified in Parts 1, 2 and 3 of the Scheme of Delegation to Officers, which forms part of the Constitution (see Appendix 4 to Part 3 – Responsibility for Functions). The scheme of delegation of executive functions also forms part of the same section of the Constitution and can be found in Parts 1 and 2 of that document (attached).

3. Decision

3.1 **I approve the scheme of delegation of executive functions to officers for the Municipal Year 2026/27, as attached.**

3.2 **I also authorise the delegation by Cabinet of any of its functions to officers, as appropriate.**

Decision made by:


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Councillor Munsif Dad BEM JP
Leader of the Council

Date: 8th May 2026

Decision published on: 8th May 2026



Appendix 4

This document is split into three parts:

Part 1	requirements applying to all delegations
Part 2	delegations of executive (i.e. Cabinet) and non-executive functions to chief officers
Part 3	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 - requirements applying to all delegations

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 default.
- (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 Portfolio Holder, that officer or Portfolio Holder 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 Portfolio Holder 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 Executive Director (Resources) is obtained to any expenditure involved.

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 committees 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 Executive Director (Resources) is obtained to any expenditure involved.

(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; or (ii) the plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure; and 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 to 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 Associate Director (People and Communities) and the Head of Planning & Transportation

DELEGATIONS TO ALL CHIEF OFFICERS

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
<p>To perform and / or carry out those executive 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> <ul style="list-style-type: none"> a. incur, vary and discontinue expenditure b. manage the staffing, property, financial and other resources within the Chief Officers’ control c) procure works, goods and services, including accepting tenders and signing contracts/agreements, subject to all necessary approvals being received d) terminate contracts e) exercise virement within the limits set out in the Finance Procedure Rules 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 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 	<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 ii) comply with the Council’s constitution, paying particular regard to the Financial Procedure Rules and the Contracts Procedure Rules iii) comply with the Council’s other policies and procedures iv) act within the budget for the relevant service area v) consult the relevant portfolio holder at the

<p>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 external 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>m) be responsible as client under the Construction (Design & Management) Regulations 2015 (“CDM”) for all relevant projects undertaken by the Council within their service areas, including ensuring that health and safety management arrangements are in place and that the principal designer and principal contractor are competent and fulfilling their roles effectively</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>Chief Officer's discretion and, if 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>vi) consider the need to take specialist advice in respect of CDM compliance</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 and must be satisfied that the person authorised is 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> <p>i) make changes to staffing structures within the relevant service budget</p> <p>ii) approve honoraria payments not exceeding £2000</p>	<p>In exercising their delegated powers Chief Officers must:</p> <p>i) comply with relevant statutory requirements and procedures</p>

<p>iii) make arrangements for maternity leave and staffing cover</p> <p>iv) approve applications for leave of absence in cases not covered by Council policy</p>	<p>iii) comply with the Council's policies and procedures</p> <p>iv) act within the budget for the relevant service area</p>
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NON-EXECUTIVE FUNCTIONS

Summary of delegation	Comments
<p>To perform and / or carry out those non-executive 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>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 at the Chief Officer's discretion</p> <p>vi) consult appropriate</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 external 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>m) be responsible as client under the Construction (Design & Management) Regulations 2015 (“CDM”) for all relevant projects undertaken by the Council within their service areas, including ensuring that health and safety management arrangements are in place and that the principal designer and principal contractor are competent and fulfilling their roles effectively</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>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>vi) consider the need to take specialist advice in respect of CDM compliance</p>
<p>In so far as they are non-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 and must be satisfied that the person authorised is 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 refuse applications for early retirement / voluntary redundancy including under the Local Government Pension Scheme 85 year rule having regard to the relevant Council policy</p>	<p>Final approval of such applications is delegated to the Chief Executive</p> <p>A Chief Officer wishing to recommend approval of such an application must make a report to the Chief Executive</p>
<p>To determine appeals against cautions under the Council’s capability procedures</p>	<p>An officer determining an appeal must have had no previous</p>

	involvement with the relevant capability process
<p>To determine appeals against dismissal under the Council's capability procedures</p>	<p>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 Associate Director (People and Communities) or his / her nominee and in accordance with the Council's capability policy</p> <p>A Chief Officer must have had no previous involvement with the relevant capability procedure or decision making process</p> <p>Determination of appeals against dismissal may not be delegated by a 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) engage, suspend, dismiss and deploy staff ii) take disciplinary action against staff iii) apply conditions of service iv) regrade posts in accordance with the Council's job evaluation scheme v) approve honoraria payments not exceeding £2000 vi) award car / telephone allowances vii) amend job descriptions of staff within his/her department 	<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
EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To act as the head of paid service under section 4 of the Local Government and Housing Act 1989	
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	
To carry out any function which is delegated to a particular chief officer subject to any limits or conditions attaching to that delegation	
To grant exemptions on the political restriction of officer posts under the Localism Act 2011	
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
To designate reserve delegated officers in absence of the relevant Chief Officer	
To attest the Council's common seal and authorisation of other officers for this purpose in connection with the exercise of executive functions	
To appoint officers(s) to act as deputy in respect of delegated functions in this constitution	
To make exceptions to the Council's Flying the Flag policy	In consultation with Mayor, Leader of the Council and Group Leaders
To deal with applications for marches under Public Order Act 1936	
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	

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 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
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	

NON-EXECUTIVE FUNCTIONS

Summary of delegation	Comments
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	
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
To keep under review the terms and conditions of the Executive Director (Resources), the Executive Director (Legal & Democratic Services) and the Executive Director (Environment) and make such revisions as considered appropriate within the resources available	
To designate approved duties for the purpose of the Council's members allowances scheme	
<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 if 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>
To agree to second Council employees to another local authority	
To approve changes to any document forming part of the Council's policy	

<p>framework provided the proposed change:</p> <p>a) is prescribed by legislation or statutory instrument; or</p> <p>b) merely corrects a typographical error or errors; or</p> <p>c) is of a minor nature (i.e. the proposed change does not affect the substance of the document or change Council policy)</p>	
<p>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</p>	

DELEGATIONS TO EXECUTIVE DIRECTOR (LEGAL & DEMOCRATIC SERVICES)

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
<p>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.</p>	
<p>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</p>	
<p>To instruct external solicitors and/or counsel to represent the Council</p>	
<p>To authenticate documents on behalf of the Council</p>	
<p>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</p>	
<p>To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements</p>	
<p>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</p>	
<p>To act as the Senior Responsible Officer for the purpose of Part II Regulation of Investigatory Powers Act 2000</p>	

<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>and 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>	<p>In consultation with the Executive Director (Resources) and the relevant Portfolio Holder (re 1)</p> <p>In consultation with the Head of Department which raised the debt and the relevant Portfolio Holder (re 2)</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 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>	

To agree amendments to the allotment guidelines and to publish the same	In consultation with the portfolio holder and the Head of Planning & Transportation
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	
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	
In respect of the MOT and supplementary testing of hackney carriages and private hire vehicles: <ul style="list-style-type: none"> to select and designate approved testing stations within the Borough provided there are no more than 5 approved testing stations at any one time; to remove designation as an approved testing station in accordance with the criteria in the Council's taxi and private hire licensing policy; to suspend designation as an approved testing station to enable an investigation to be carried out if there are reasonable grounds to consider that one of more of the grounds for removal of designation as an approved testing station has been met. 	Following consultation with the Portfolio Holder
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise others to exercise such powers	

NON-EXECUTIVE FUNCTIONS

Summary of delegation	Comments
To act as returning officer for elections to the Council and (deputy returning officer for other elections) in accordance with section 35 Representation of the People Act 1983	
To act as electoral registration officer for the Council in accordance with section 8 Representation of the People Act 1983	
To settle maladministration claims against the Council and to agree compensation to persons adversely affected by maladministration up to a maximum of £1,000 per claim, pursuant to section 92 Local Government Act 2000	

<p>To exercise the statutory powers and obligations of the returning officer and electoral registration officer pursuant to:</p> <ul style="list-style-type: none"> - Elections Act 2022; - All legislation amended by the Elections Act 2022 (including without limitation the Local Government Act 1972, the Representation of the People Act 1982 and the Representation of the People Act 1983; - All regulations and rules issued pursuant to or amended by the Elections Act 2022) 	
<p>To approve changes to the Council's written constitution provided the proposed change:</p> <ul style="list-style-type: none"> a) is prescribed by legislation or statutory instrument; or b) merely corrects a typographical error or errors 	
<p>To appoint Independent Members to the Standards Committee</p>	<p>In consultation with the Chair of the Standards Committee</p>
<p>To appoint Members of the Independent Remuneration Panel</p>	
<p>To agree and enter into agreements pursuant to section 106 Town and Country Planning Act 1990</p>	<p>In consultation with the Head of Planning and Transportation</p>
<p>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</p>	
<p>In respect of community governance reviews under Chapter 3 Part 4 Local Government and Public Involvement in Health Act 2007: To exercise the functions and obligations of the Council in respect of the conduct of community governance reviews To comply with the notification and publicity requirements in sections 80, 96 and 98; and To make agreements about incidental matters under section 99</p>	
<p>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</p>	
<p>Power to advertise and seek applications for the position of independent member of the audit panel pursuant to the Local Audit & Accountability Act 2014</p>	
<p>Licensing Functions</p>	

<p>To exercise the powers conferred by the following legislation (including, without limitation, the determination of fees and the granting, suspension and revocation of licences) 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.</p> <p>Applicable to:- 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 Late Night Refreshment Houses Act 1969 Public Health Act 1875 Betting Gaming & Lotteries Act 1963 Gambling (Premises Licence Fees) (England & Wales) Regulations 2007 Cinemas Act 1985 Theatres Act 1968 Police Reform & Social Responsibility Act 2011</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
<p>To update the Council's taxi licensing policy and procedure where such changes are necessary give effect to changes in the law relating to the licensing of hackney carriages and private hire vehicles</p>	<p>In consultation with the Portfolio Holder</p>
<p>To exercise the Council's functions under the Licensing Act 2003</p>	<p>In accordance with the Council's Licensing Policy</p>
<p>To authorise officers pursuant to section 304 Gambling Act 2005</p>	<p>In accordance with the Council's Gambling Policy</p>
<p>To determine applications for premises licenses under the Gambling Act 2005 where no representations received or representations have been withdrawn</p>	
<p>To determine applications for variation of premises licenses under the</p>	

Gambling Act 2005 where no representations received or representations have been withdrawn	
To determine applications for transfer of premises licenses under the Gambling Act 2005 where no representations received from the Gambling Commission	
To determine applications for a provisional statement under the Gambling Act 2005 where no representations have been received or representations have been withdrawn	
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	
To set fees under the Gambling Act 2005	
In respect of the Gambling Act 2005 and subordinate legislation:: <ul style="list-style-type: none"> • to exchange information; • to provide information to the Gambling Commission • to exercise functions relating to the registration and regulation of small lotteries 	
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"> • determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received; • cancellation of licence • determining license fees • enforcement of the provisions of Part II and Schedule 3 of the said 1982 Act 	

DELEGATIONS TO THE EXECUTIVE DIRECTOR (RESOURCES)

EXECUTIVE FUNCTIONS

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	
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	
To write off debts up to a value of £5,000 each	
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 • 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 	
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 	

To maintain an adequate and effective system of internal audit	
To ensure 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	
CORPORATE PROPERTY	
To make appropriate planning applications on behalf of the Council for any Council owned land and property 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.	
(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.	
In connection with general vesting declarations, to agree further occupation periods of up to six months for occupiers of business premises.	
(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: - the term exceeds twenty-five years - the annual rent or fee until the first rent or fee review (if applicable) exceeds £30,000 (twenty thousand pounds) per annum; or - the letting is at less than best consideration (ii) To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences granted by the Council	

<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 £30,000 (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 Section 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</p>	<p>(i) In consultation with the Leader, Deputy Leader and</p>

<p>(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 £50,000 (ten thousand pounds) (exclusive of fees) in any one financial year.</p>	<p>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>	
<p>To agree to disposals of public open space provided:</p> <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 it at market value or better; and • the consideration for the disposal does not exceed £75,000 (excluding fees) 	
<p>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</p>	

DELEGATIONS TO THE EXECUTIVE DIRECTOR (ENVIRONMENT)

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
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 implement rubbish amnesty's, skip days, 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
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 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 or social purposes Provided permission isn't given to any individual or organisation for same	

location more than once in any 3 month period	
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
<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 the Council’s environmental and waste management / handling / treatment and recycling functions :</p> <p>Applicable to the following in so far as they are executive functions:-</p> <p>The Hazardous Waste Regulations 2005</p> <p>The Waste Management Regulations 2006</p> <p>The Environmental Permitting Regulations 2016</p> <p>Environmental Protection Act 1990</p> <p>Environmental Act 2021</p> <p>The Packaging Waste (Data Reporting) Regulations 2024</p> <p>Refuse Disposal (Amenity) Act 1978</p> <p>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	
LEISURE	
To grant use of Council managed 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 determine Christmas closure arrangements in respect of leisure facilities managed by the Council	In consultation with the relevant Portfolio Holder

DELEGATIONS TO HEAD OF REGENERATION AND HOUSING

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
<p>To approve housing renewal assistance as defined in the Council's Housing Renewal Policy up to the following maximums</p> <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	
<p>In respect of the Pride In Place programme:</p> <ul style="list-style-type: none"> - to approve projects with a total value of £50,000 or less; and - To approve other expenditure from the programme up to value of £50,000 or less. 	In consultation with the portfolio holder and the leader of the Council
To award grants for adaptations for the disabled – to 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	In consultation with the Executive Director (Resources) and the Executive Director (Legal & Democratic Services)
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 registered social landlords 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 to acquire properties by agreement in areas designated for redevelopment or authorise the payment for properties to be purchased under any proposed or confirmed CPO	In consultation with the Executive Director (Resources) and the Executive Director (Legal & Democratic Services)
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 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: 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 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	
To vire between HIP expenditure blocks and between yearly	In consultation with the

programmes	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 Executive Director (Resources) and the relevant portfolio holder
To award assistance, including grants, up to a maximum of £30,000 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 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 Section

DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To make directions under Article 4 of the Town and Country Planning General Development Procedure Order 1995	
Following consultation with the relevant portfolio holder, 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, 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 under section 330 of Town and Country Planning Act 1990 or by Planning Contravention Notice and section 16 Local Government (Miscellaneous Provisions) Act 1976	
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 make 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	
To manage the Council's allotments, including granting allotment tenancies and taking any steps prescribed by law to determine or enforce allotment tenancy agreements	
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	
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	

NON-EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
DEVELOPMENT CONTROL FUNCTIONS	
DETERMINATION OF PLANNING APPLICATIONS	
<p>To determine factual or technical applications as follows:</p> <ul style="list-style-type: none"> i. Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990. 	

Summary of Delegation	Comments
<ul style="list-style-type: none"> ii. Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990. iii. Determination of applications for a Certificates of Lawfulness of proposed works to listed buildings under Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 iv. Applications to discharge conditions attached to approvals. v. Determination of requests for a screening or scoping opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 vi. Determination of Prior Notifications/Approvals Applications <p>(For the avoidance of doubt, these applications are not subject to the member call-in procedure).</p> <p>To determine all other applications for permission or consent made under Town and Country Planning legislation unless:</p> <ul style="list-style-type: none"> 1. the Chief Planning and Transportation Officer considers that the application should be considered by the Planning Committee 2. the application would constitute a significant departure from the policies of the statutory development plan and it is intended to approve the application 3. the application is for a significant proposal by the Council or the County Council and is not of a minor nature 4. the applicant is a member of the Council 5. the applicant is an employee of the Planning & Transportation Section or is a senior manager of the Council 6. 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. 7. the application is a major planning application and, following consultation, either the Chair of Planning, Vice Chair of Planning or the Shadow Chair of Planning has requested in writing that the application be referred to Planning Committee <p>This includes legislation relating to listed buildings, conservation areas and hazardous substances.</p>	
DEVELOPMENT CONTROL	
To obtain additional information in connection with planning purposes under section 171C(2) and (3) of the Town and Country Planning Act 1990	

Summary of Delegation	Comments
To serve Building Preservation Notices	
To serve 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)
To secure removal of an advertisement displayed in contravention of Regulations or use of any site	Consult Executive Director (Legal & Democratic Services)
To remove or obliterate placards and posters	
To operate the Hedgerow Regulations 1997 on land in the Borough including issuing a Hedgerow Retention Notice	
To issue enforcement notices for breach of planning control under the Town & Country Planning legislation	To be reported to Planning Committee every six months.
<p>In relation to listed buildings to:</p> <p>Issue listed building enforcement notices</p> <p>Issue repairs notices</p> <p>Execute urgent works</p>	Consultation required with the Executive Director (Legal and Democratic Services)
<p>To issue stop notices and temporary stop notices</p> <p>To issue breach of conditions notices or planning contravention notices</p> <p>To issue completion notices</p>	Consultation required with the Executive Director (Legal and Democratic Services)
To 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)
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	
To make representations (for or against) on planning applications for developments in neighbouring districts	
To assess interim development order submissions relating to mineral extraction and give observations to Lancashire County Council	
To take action on dangerous trees	
<p>To do any of the following unless a ward councillor has requested in writing that the decision be referred to the Planning (Trees) Sub-Committee within seven days of the relevant ward councillors being given notice of the matter in question:</p> <p>(a) Make and confirm Tree Preservations Orders where satisfied that trees are in danger of felling or lopping or to preserve the amenity of an area</p>	

Summary of Delegation	Comments
<p>(following consultation with 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;</p> <p>(b) Serve notices and take appropriate action for replacement tree planting under the Town and Country Planning Acts;</p> <p>(c) Operate the Town and Country Planning (Tree Preservation) (England) Regulations 2012 in all cases involving works to trees protected by Tree Preservation Orders and situated on land owned or controlled by the Council except where the trees in question are managed by the Head of Planning and Transportation;</p> <p>(d) Determine applications to carry out work on trees protected by Tree Preservation Orders except in the case of proposed felling;</p> <p>(e) Determine applications to fell trees protected by Tree Preservation Orders and situated on land which is not owned or controlled by the Council if:</p> <ul style="list-style-type: none"> i. The trees are causing structural damage to property, retaining walls, services or similar; or ii. 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 iii. 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 iv. 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 <p>(f) Following consultation with the Chair and Vice-Chair of Planning (Trees) Sub-Committee, determine applications to fell trees protected by Tree Preservation Orders and situated on land which is not owned or controlled by the Council in circumstances not covered by (e) above;</p> <p>(g) Determine repeat applications to fell trees protected by Tree Preservation Order and situated on land which is not owned or controlled by the Council if made within 2 years of an original application which was refused and if the</p>	

Summary of Delegation	Comments
<p>officer recommendation remains unchanged from the original application;</p> <p>(h) Operate the Hedgerow Regulations 1997 on land in ownership other than Hyndburn Borough Council including the issue of hedgerow retention notices;</p> <p>(i) Obtain an ecological or archaeological survey on a hedgerow once a hedgerow removal notice has been received;</p> <p>(j) Determine, in consultation with the Executive Director (Legal & Democratic Services), whether to prosecute after contravention of Tree Preservation Order or hedgerow regulations and to undertake appropriate action.</p>	
<p>To apply for an injunction pursuant to section 214A of the Town and Country Planning Act 1990 (as amended) in cases determined to be urgent; and</p> <p>To authorise an officer or any other suitably qualified and / or experienced person to exercise a right of entry pursuant to section 214B of the Town and Country Planning Act 1990 (as amended);</p>	
<p>To make and confirm Tree Preservation Orders where satisfied that trees are in danger of felling or lopping or to preserve the amenity of an area where the possibility of felling or lopping is so imminent that time does not permit consultation with the relevant ward councillors or consideration of the matter by the Planning (Trees) Sub-Committee to take place (and the Portfolio Holder and relevant ward councillors shall be notified of the making of the Tree Preservation Order within 1 working day);</p>	
<p>To make structural appraisal of building regulation applications. This includes making arrangements for outside specialist appraisal, if necessary</p>	
<p>To determine all applications for building regulation approval/rejection</p>	
<p>To process all applications for determination of building regulations</p>	
<p>To secure deposited plans providing access and other safety for the fire brigade</p>	
<p>To 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</p>	
<p>To 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</p>	
<p>To exercise the powers of the Council re ruinous, dilapidated and neglected sites</p>	
<p>To exercise the powers of the Council re dangerous buildings and structures</p>	
<p>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</p>	

Summary of Delegation	Comments
To exercise the powers of the Council relating to the listing of buildings	
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)
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 Executive Director (Resources)
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
To order works in default of a remedial notice served in respect of high hedges in anticipation of full cost recovery	
To make agreements under s25 Highways Act 1980	
To make orders under s26 Highways Act 1980	
To require the discontinuance of a use of land	
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)
To take action under section 215 Town and Country Planning Act 1090 (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)
Local Plan	
To make non-material changes to the Local Plan prior to formal approval and adoption of the same	Following consultation with the Portfolio Holder
To publish updates to the Local Plan Timetable and Monitoring Reports	

DELEGATIONS TO THE HEAD OF AUDIT & INVESTIGATIONS

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
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	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 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

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To write off debts relating to housing benefit overpayments, non-domestic rates and council tax up to a value of £10,000 each.	

DELEGATIONS TO ASSOCIATE DIRECTOR (PEOPLE AND COMMUNITIES)

EXECUTIVE FUNCTIONS

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	
To determine the Council's events programme and the terms of conditions of engagement of artistes / performers	Subject to consultation with the Portfolio Holder
To authorise disposal of items from the Howarth Art Gallery collection up to a value of £30,000 per disposal provided: <ul style="list-style-type: none"> the disposal is in accordance with the Museum Association's Code of Ethics; and the Associate Director (People and Communities) is satisfied that the Council has legal power 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 administer the Council's payroll function	
To take action in respect of the Council's market franchise rights	In consultation with the Executive Director (Legal & Democratic Services)
To manage the Council's markets, including power to: <ul style="list-style-type: none"> grant, and terminate, market tenancies vary, and accept surrenders of, market tenancies set, implement and amend the market regulations 	In consultation with the Executive Director (Legal & Democratic Services)

NON- EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To make changes to the terms and conditions of the Chief Executive, Executive Director (Resources), the Executive Director (Legal & Democratic Services) and the Executive Director (Environment) provided there is no additional cost to the Council	Subject to the Leader of the Council and the relevant postholder(s) indicating their agreement to the proposed change

DELEGATIONS TO THE HEAD OF ENVIRONMENTAL SERVICES

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To manage the cemeteries and crematoria	
To appoint 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 	
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:- Environmental Protection Act 1990 Clean Neighbourhoods & Environment Act 2005 Local Authorities Cemeteries Order 1977 Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same	
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.	
To authorise appropriate staff within the Parks and Cemeteries Section to appear in court	

Take action on dangerous trees	
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NON-EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
<p>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.</p> <p>Applicable to:- Health & Safety at Work etc. Act 1974 Local Government (Miscellaneous Provisions) Act 1976</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	

DELEGATIONS TO HEAD OF ENVIRONMENTAL HEALTH

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
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	
In so far as they are executive functions, to implement and exercise the powers of the Council in respect of public protection and environmental health under all current legislation relating to anti-social behaviour, occupational health and safety, control of disease, control of pollution, air quality, contaminated land,	

Summary of Delegation	Comments
<p>public health, drainage, statutory nuisance, verminous persons and property, animal health and welfare, private sector housing, Sunday trading, food and water supply, food safety, environmental protection, health protection, unlawful encampments, smoking and the regulation and deregulation of businesses, whether such powers are contained in primary legislation or any regulations, orders, byelaws or other subsidiary legislation made under the same and any enactments amending or replacing the same</p> <p>And in pursuance of the above to:</p> <ul style="list-style-type: none"> • authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person to exercise any power or function of the Council • issues notices and take other enforcement action • undertake inspections and exercise powers of entry • set fees and charges 	
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 Executive Director (Resources)
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)
<p>To exercise the powers of the Council under the Renters Rights Act 2025, including (without limitation) the following:</p> <ul style="list-style-type: none"> • imposition of financial penalties under section 40 for breach of anti-discrimination provisions; • imposition of financial penalties under section 57 for breach of 	

Summary of Delegation	Comments
<p>requirement to state rent and avoid rental bidding provisions;</p> <ul style="list-style-type: none"> • imposition of financial penalties under section 91 in respect of offences under section 92 and for breach of provisions in section 82 re restrictions on marketing, advertising and letting dwellings; • exercise of the Council's investigatory powers under sections 114 – 132 • exercise of the Council's duty in section 107 to enforce landlord legislation in the Borough • exercise of the Council's duty to notify in section 108 • exercise of the Council's duty to report to the Secretary of State in section 110. 	
<p>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</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 Executive Director (Legal & Democratic Services), the Legal Services Manager or a solicitor within the Council's Legal Section</p>

NON-EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
<p>To take action under section 215 of the Town and Country Planning Act 1990</p>	

(including the service of notices) and to take action to enforce any notice served under section 215	
<p>In so far as they are non-executive functions, to implement and exercise the powers of the Council in respect of public protection and environmental health under all current legislation relating to anti-social behaviour, occupational health and safety, control of disease, control of pollution, air quality, scrap metal, houses in multiple occupation, mobile homes and camp sites, skin piercing and massage, pleasure boats and vessels, contaminated land, public health, drainage, statutory nuisance, verminous persons and property, animal health and welfare, private sector housing, Sunday trading, food and water supply, food safety, environmental protection, health protection, unlawful encampments, smoking and the regulation and deregulation of businesses, whether such powers are contained in primary legislation or any regulations, orders, byelaws or other subsidiary legislation made under the same and any enactments amending or replacing the same</p> <p>And in pursuance of the above to:</p> <ul style="list-style-type: none"> • authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person to exercise any power or function of the Council • issues notices and take other enforcement action • undertake inspections and exercise powers of entry • set fees and charges 	
To authorise rights of entry on land under section 196 Town and Country Planning Act 1990 for appropriate staff within the Section	
In the exercise of the Council's powers relating to anti-social behaviour, to issue community protection notices and fixed penalty notices	
To act as an authorised officer under the Food Safety Act 1990	
<p>In respect of the Council's powers in respect of scrap metal:</p> <p>(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</p> <p>(b) to determine scrap metal licences fees in accordance with Schedule 1 paragraph 6 Scrap Metal Dealers Act 2013</p>	In consultation with the portfolio holder
Without prejudice to the general delegation above, 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:	

i) risk rating appeals ii) the suspension or variation of licences iii) the annual review and adjustment of fees and charges	
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	

