

APPENDIX 1

Scheme of Delegation to Officers – General Principles

1. Darlington Borough Council has functions given to it by statute. Certain functions rest with the authority as a whole. These powers can be delegated to Officers under s101 Local Government and Housing Act 1989. Other functions, called Executive Functions rest with the Council's Cabinet and can be delegated by the Cabinet to Officers under s15 Local Government Act 2000. Within this scheme, functions delegated are marked either Cabinet or Council to indicate the origin of the delegation. Statutory functions delegated by statute directly to officers are marked as statutory.
2. The Chief Executive and Directors are authorised to act on behalf of the Council in relation to any matters within the service area for which they are responsible, as set out in Article 12 of the Council's Constitution, subject to the following overriding provision :-
 - (a) Any action by the Chief Executive or Directors under delegated powers shall be in accordance with :-
 - (i) Any statutory restrictions
 - (ii) The budget and policy framework set by Council, and other Council policies
 - (iii) Any financial limits set out in the revenue or capital budgets and Financial, Contract and Property Procedure Rules
 - (iv) The Codes of Member and Officer Conduct, and
 - (v) Any provision contained in this Constitution.
3. Any delegation does not include:
 - (a) Any matter reserved to full Council
 - (b) Any matter which by law may not be delegated to an Officer
4. Officers must keep Members properly informed of actions taken within the scope of these delegations in accordance with the Member/Officer protocol set out in Part 4 of this Constitution.
5. In exercising delegated powers, Officers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer under their statutory obligations.
6. A delegation to a Chief Officer includes authority for any officer within his directorate to carry out the delegation of the function on behalf of the Chief Officer. Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.
7. Without prejudice to these delegations the Chief Executive and Directors are expected in appropriate cases to :-

- (a) maintain a close liaison with the appropriate Cabinet Member (or in their absence the Leader or another Cabinet Member);
- (b) ensure that the Ward Councillor(s) is consulted on or advised of the exercise of delegated powers;
- (c) ensure that the Chief Executive, Director of Corporate Services and Borough Solicitor are consulted and advised of any decisions as necessary.

NB Before exercising any delegated power the Chief Executive and Directors must consider whether the decision to be made is of such a nature that it ought to be referred for decision to Members.

- 8. Relevant powers conferred upon the Chief Executive and Directors, which they authorise another officer to exercise, will be contained in a register to be maintained by the Borough Solicitor in her role as Monitoring Officer, to be available for public inspection and to be reviewed by the Chief Executive, Directors and Borough Solicitor at least annually.
- 9. The Cabinet Member responsible following consultation with the relevant Director/Chief Executive may at any time require a particular issue or any aspect of delegated powers to be referred to Cabinet for its decision.
- 10. Delegated decisions shall not involve the adoption of a new policy or a major extension of an existing policy of the Council and shall exclude any case where the magnitude or controversial nature of a proposal is such that the Council or Cabinet should take responsibility for a decision.
- 11. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources and the efficient delivery of services.
- 12. Those decisions to be formally recorded are included within the delegated powers on the following pages.

NB Certain powers and duties are delegated by statute to individual post holders. These posts are known as Statutory Chief Officers. These powers cannot be withdrawn by Council or Cabinet, however the exercise of the powers must be in accordance with the Council's budget, policy framework and its Procedure Rules, in particular those relating to finance and contracting, and all other rules relating to the exercise of the powers set out in the Constitution and elsewhere.

The list of Statutory Posts are:

The Statutory Officers

By law, the Council must employ the following persons who are given certain powers and duties by statute.

The Head of Paid Service – The Chief Executive

(s4 Local Government Housing Act 1989)

Duty to prepare a report regarding proposals as to the co-ordination of the authority's functions and the number of grades, the organisation, and the appointment and proper management of the authority's staff.

The Monitoring Officer – The Borough Solicitor

(s5 Local Government and Housing Act 1989)

Duty to prepare a report if it appears to her that any proposal decision or omission would give rise to any contravention of law or any maladministration or injustice.

Duty to investigate a complaint against a Member of the Authority where the complaint has been referred to her under section 60 Local Government Act 2000.

Duty to arrange for the determination of a complaint against a Member of the authority referred to her under section S64 Local Government Act 2000.

The Chief Financial Officer – Corporate Director – Finance and Corporate Services

(s151 Local Government Act 1972)

Responsibility for the administration of the authority's financial affairs.

Duty to prepare a report if it appears to him that any decision will incur unlawful expenditure or any course of action which if pursued to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the authority.

The Director of Children Services – Corporate Director – Children's Services

(s18 Children Act 2004)

The functions of the authority in their capacity as a local education authority.

Social Services functions so far as those functions relate to children.

The provision of accommodation and advice and assistance to children o under sections 23C to 24D of the Children Act 1989.

The functions conferred on the authority under sections 10 to 12 and 17 of Children Act 2004 to improve wellbeing and safeguard and promote the welfare of children and to prepare a Children and Young People Plan.

Any functions exercisable by the authority on behalf of an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 of the Health Act 1999 so far as those functions relate to children.

The Director of Adult Social Services – Corporate Director – Adult and Community Services

The functions of the local authority set out in Schedule 1 of the Local Authority Social Services Act 1970 other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.

Proposed Delegations to be Formally Reported

CHIEF EXECUTIVE, ASSISTANT CHIEF EXECUTIVES AND DIRECTORS, OR IN THEIR ABSENCE THEIR NOMINATED OFFICER, HAVE DELEGATED POWERS TO :-

Delegated Power	Formally Reported	Council/ Cabinet Delegation
(A) Financial Matters		
1. engage consultants to act on the Council's behalf, or prepare a report on the feasibility of projects, up to £15,000 per project;		Cabinet
2. authorise expenditure on feasibility work up to £10,000;		Cabinet
3. accept tenders for contracts valued up to £75,000;		Cabinet
4. vary expenditure on capital expenditure contracts up to 10 per cent or £50,000, whichever is the lower, of the accepted tender in accordance with the Financial Procedure Rules, as set out in Part 4 of this Constitution;		Cabinet
5. make 'ex gratia' payments (e.g. for the loss of personal equipment) up to £1,000;		Cabinet
6. approve capital expenditure above an approved budget level up to £35,000 where items are urgent or would have a cost benefit (subject to approval by the Chief Executive and the Director of Corporate Services);	✓	Cabinet
7. make and maintain adequate arrangements for the following, in conjunction with the Director of Corporate Services :- (a) the financial organisation, accounting and book-keeping necessary to ensure the proper recording of all sums due to the Council; and (b) the collection, control, disposal and prompt and proper accounting for all cash in all Council departments, including sums due to the Council in respect of sponsorship; and		Cabinet
8. Directors, in consultation with the Director of Corporate Services, be given delegated powers for capital spending under the Prudential Code, where the total capital cost is less than £100,000 in any one financial year and where the annual financing costs can be made within departmental resource allocations; and		Cabinet
9. Directors, in consultation with the Director of Corporate Services, be given delegated powers for capital spending under the Prudential Code, where the assets can currently be acquired via operation lease and annual financing costs can be met within departmental resource allocations.		Cabinet

Delegated Power		Council/ Cabinet Delegation
Formally Reported		Cabinet
	10. To approve and sign agreements on behalf of the Council which set out the terms and conditions of grant funding, to be received by the Council.	Cabinet
	(B) Budgetary Matters	Cabinet
	1. enter into operating leases; and	Cabinet
	2. manage budgets within the total allocated to them by the Council.	Cabinet
	(C) Employee Matters :-	
	1. vary the establishment as necessary within the overall resource allocation;	Council
	2. serve the appropriate notice on employees to be made redundant;	Council
	3. approve requests for special leave;	Council
	4. approve honoraria within the approved scheme;	Council
	5. approve applications for ill-health retirement (in consultation with the Head of Human Resource Management);	Council
	6. approve applications for early retirement/voluntary redundancy (in consultation with the Head of Human Resource Management and one other Director);	Council
	7. grant essential car allowances and car loans (subject to the approval of the Head of Human Resource Management);	Council
	8. approve paid attendance of Shop Stewards on Trade Union organised courses;	Council
	9. approve overtime of Officers graded SO1 and above at plain-time rate;	Council
	10. undertake shortlistings and appoint employees to all posts other than those designated posts to be appointed by Members; and	Council
	11. approve emergency call-out payments in accordance within an approved scheme; and	Council
	(D) General Matters :-	
	1. dispose of obsolete, redundant or worn-out equipment;	Cabinet
	2. determine the attendance of Members (in consultation with the relevant Cabinet Member) at conferences, seminars, launches and similar meetings and official and courtesy visits and manage the expenditure within the approved budgets (in liaison with the Director of Corporate Services);	Cabinet
	3. determine the attendance of Officers at conferences, seminars, launches, and similar meetings and official and courtesy visits and manage the expenditure within the approved budget;	Council

Delegated Power		Formally Reported	Council/ Cabinet Delegation
4.	submit statutory plans and statutory responses to consultation documents to the relevant body where the deadline for submission occurs prior to the date of the relevant meeting of the Council/Cabinet; and	✓	Cabinet
5.	submit bids for funding to the relevant body where the deadline occurs prior to the date of the next meeting of the Cabinet/any relevant committee.	✓	Cabinet

**Proposed Delegations to be Formally Reported – Chief Executive and Directors of Community Services,
Social Services and Education**

CHIEF EXECUTIVE

The Chief Executive has delegated powers to :-

	Delegated Power	Formally Reported	Council Executive
(1)	To exercise the functions of the Head of the Paid Service		Council
(2)	To incur expenditure, in consultation with the Leader, in the event of a civil emergency as defined by the Civil Contingencies Act 2004.		Cabinet
(3)	To exercise all of the functions in relation to elections listed in Part D of Schedule 1 to the Local Authority (Functions and Responsibilities) (England) Regulations 2000 which are functions of the County Council.		Council
(4)	except where otherwise provided by Statute, undertake, in cases of emergency, the functions of the Council or Cabinet currently delegated to a particular Officer (or an Officer who is able to exercise that power) when that Officer(s) is/are incapacitated or not contactable;		Council and Cabinet
(5)	authorise Officers and/or appoint Inspectors in conjunction with the Borough Solicitor (either may sign such authority or other certificate of appointment as may, by law, be required, pursuant to Section 101 of the Local Government Act 1972 and the various statutory and other powers of the Council);		Council
(6)	determine appeals against final written warnings; and		Council
(7)	determine applications for financial assistance via the Tees Valley Regeneration (in conjunction with the Assistant Chief Executive and in consultation with the Leader of the Council and the relevant Cabinet Member).		Cabinet

ASSISTANT CHIEF EXECUTIVE - REGENERATION

The Assistant Chief Executive or in his/her absence the nominated Officer has delegated powers to :-

Delegated Power	Formally Reported	Council Executive Council
(A) in respect of Planning Matters		Council
Subject to a decision not being contrary to		
<ul style="list-style-type: none"> ● the provisions of any development plan in force, ● any other approved policies of the Council, ● the recommendation of a consultee, or ● representations made by neighbouring residents or other members of the public; 		
and, in the absence of a notification from a Member of the Council that the application must be determined by the Planning Applications Committee, the Assistant Chief Executive has delegated powers to :-		
1. determine minor applications made under Part III of the Town and Country Planning Act 1990 and Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990 (other than where the development has already been undertaken and the decision is to refuse planning permission);		Council
2. determine applications for the approval of reserved matters or details required by conditions imposed on any permission;		Council
3. determine applications to cut down, top, lop or remove trees in conservation areas, trees protected by Tree Preservation Orders, or protected by conditions imposed on planning permission;		Council
4. determine applications for consent under the Town and Country Planning (Control of Advertisement) Regulations 1992;		Council
5. determine all applications for prior approval made under the Town and Country Planning (General Permitted Development) Order 1995;		Council

Delegated Power		Formally Reported	Council Executive
6.	determine all applications for prior notification under the Town and Country Planning (General Permitted Development) Order 1995 following consultation with the relevant Cabinet Member even when objections are received;	✓	Council
7.	comment on minor :- (a) County Council proposals, under the Town and Country Planning General Regulations 1992; (b) applications/consultations by Statutory Undertakers; and (c) proposals on which the Borough is consulted by adjoining Councils;		Council
8.	determine applications made under Part III of the Town and Country Planning Act 1990, which are of economic development significance (following consultation with the Chair and Vice-Chair of the Planning Applications Committee);	✓	Council
9.	determine applications for Certificates of Lawfulness of Proposed Use or Development and Certificates of Lawfulness of Existing Use or Development;		Council
10.	Serve Repairs Notices under Section 48 of the Planning (Listed Building and Conservation Areas) Act 1990;		Council
11.	take all enforcement action permitted by the Planning (Listed Building and Conservation Areas) Act 1990 including (without implying any limitation) the issue, withdrawal and variation of listed building enforcement notices;		Council
12.	issue, withdraw or vary statutory notices relating to the preservation or restoration of amenity or the completion of work on land under -Section 215 of the Town and Country Planning Act 1990;		Council
13.	authorise expenditure on grant earning services and surveys on all reclamation schemes approved in the short-term programme (three years), up to pre-tender approval stage;		Council

Delegated Power		Formally Reported	Council Executive
14.	publicise planning applications in accordance with legislation and Council practice;		Council
15.	determine applications for variations, modifications or minor amendments to approved plans and minor details reserved for approval, where these do not materially alter the form of the approved development and do not give rise to any objection from neighbouring residents or members of the public, subject to the right of any Member of the Council to refer the matter to the Planning Applications Committee for determination;		Council
16.	make applications on behalf of the Council under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992;		Council
17.	object to the grant of Heavy Goods Vehicles Operators' s when necessary;		Council
18.	undertake action to discontinue the display of an advertisement for which deemed consent is granted under the Town and Country Planning (Control of Advertisements) Regulations 1992 and to undertake enforcement action (including the authorisation of prosecutions) in all other advertisement matters;		Council
19.	determine applications in respect of the display of advertising banners over the highway;		Council
20.	authorise all necessary action under the Town and Country Planning Act 1990 in respect of :-		
	(a) requiring information about activities on land - Section 171C;		Council
	(b) requiring information as to interests in land - Section 330;		Council
	(c) the issue of enforcement notices - Section 172;		Council
	(d) the variation of withdrawal of enforcement notices - Section 173A;		Council
	(e) the issue of stop notices - Section 183;		Council
	(f) the enforcement of conditions - Section 187A; and		Council
	(g) injunctions restraining breach of planning control - Section 187B;		Council
	(h) temporary stop notices – Section 171E		Council

Delegated Power		Formally Reported	Council Executive
21.	require the submission of an Environmental Impact Statement and the issue of screening and scoping opinions in accordance with the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999;		Council
22.	serve Notices under Section 54 (urgent repairs) of the Planning (Listed Building and Conservation Areas) Act 1990;		Council
23.	secure (in consultation with the relevant Cabinet Member) any temporary contract for socially necessary bus services not provided commercially;	✓	Cabinet
24.	negotiate complete vary discharge or amend planning obligations under section 106 of the Town and Country Planning Act 1990;		Council
25.	release future funding from developers and other organisations for specified works under £50,000 to be carried out as a result of planning decisions by the Council's Planning Committee (in consultation with the relevant Cabinet Member);		Council
26.	decide high hedges complaints under Part 8 of the Anti-Social Behaviour Act 2003; and		Cabinet
27.	approve Conservation Area Character Appraisals for consultation purposes.		Council
(B) in respect of Economic Development and Tourism matters :-			
1.	develop an Economic Development Strategy and Annual Statement for Darlington, as provided for under Part III, Section 33 of the Housing and Local Government Act 1989;		Cabinet
2.	administer a Financial Assistance Scheme for businesses in Darlington (in consultation with the relevant Cabinet Member);		Cabinet
3.	be responsible for the effective liaison between the Council and the Agencies of the Tees Valley Partnership, currently the Tees Valley Joint Strategy Unit and the Tees Valley Regeneration;		Cabinet
4.	determine applications for financial assistance via the Tees Valley Regeneration (in conjunction with the Chief		Cabinet

Delegated Power	Formally Reported	Council Executive
Executive and in consultation with the Leader of the Council and the relevant Cabinet Member);		
5. make arrangements for Town Twinning itineraries.		Cabinet

DIRECTOR OF CORPORATE SERVICES

The Director of Corporate Services, or in his/her absence the nominated Officer, has delegated powers to :-

	Delegated Power	Formally Reported	Council Executive
(A) Financial Matters :-			
1. write-off sums less than £500 on debts for which he/she considers that court action would be inappropriate after all appropriate recovery procedures have been attempted;		✓	Cabinet
2. write-off any surplus or deficiencies in respect of any one item of stock on a report of the Chief Officer concerned;		✓ above £500	Cabinet
3. negotiate and raise loans to the Council, for the management and subsequent repayment and for maintaining records of all borrowing of money by the Council;			Cabinet
4. negotiate and manage leasing arrangements where expenditure has been authorised by the Cabinet;			Cabinet
5. invest any temporary surplus of monies until such monies are required;			Cabinet
6. pay, at suitable frequencies, all accounts which he/she is satisfied are in order;			Cabinet
7. pay all salaries, wages and other emoluments to Council employees;			Cabinet
8. sign (in manuscript or facsimile) all cheques drawn on behalf of the Council (or authorise another Officer to sign);			Cabinet
9. appoint specialist consultants to review and advise on the Council's external borrowings;		✓	Cabinet
10. sanction, in conjunction with the Chief Executive, capital expenditure above a department's approved budget level, where items are urgent or would have a cost benefit, up to £35,000;		✓	Cabinet
11. effect all necessary insurances in consultation with Directors;			Cabinet
12. settle all insurance claims on the Council's Insurance Fund in consultation, where necessary, with the relevant Director; and			Cabinet
13. provide an adequate and effective audit.			Council
(B) Council Tax and Rating Matters :-			
1. impose Council Tax penalties, deal with appeals and quash penalties in appropriate circumstances;			Cabinet
2. lay complaints and make application to the Magistrates' Court for Council Tax and National Non Domestic rates liability orders where necessary and, where granted, determine and institute the relevant enforcement procedures;			Cabinet
3. nominate Officers to represent the Council at Valuation Tribunals as necessary;			Council
4. in accordance with Section 9 of the General Rate Act 1967, refund the amount, or part thereof, of any monies paid under			Cabinet

Delegated Power	Formally Reported	Council Executive
<p>the following categories :-</p> <ul style="list-style-type: none"> (a) any entry in the valuation list being excessive; (b) a rate being levied otherwise than in accordance with the valuation list; (c) any exemption or relief which had not been allowed where a person was entitled to it; (d) the hereditament was unoccupied during any period; and (e) the person who made a payment was not liable to make the payment. 		
<p>5. in accordance with Section 49 of the Local Government Finance Act 1988 (as amended), reduce or remit the payment of any non-domestic rates payable on a hereditament if he/she considers that the payment would cause hardship to the person liable for those non-domestic rates;</p>	✓	Cabinet
<p>6. determine reduced non-domestic rate liability where hereditaments are partly unoccupied for a short time only;</p>		Cabinet
<p>7. lay complaints and make application to the Magistrates' Court for non-domestic rating liability orders, where necessary, and, where granted, determine and institute the relevant enforcement procedures, or alternatively, to pursue debts in a 'court of competent jurisdiction' in appropriate cases;</p>		Cabinet
<p>8. administer the Council's Collection Fund (in his/her absence to be delegated to any other Officer appointed for the purpose); and</p>		Cabinet
<p>9. identify fraudulent claims and instigate prosecutions in appropriate cases.</p>		Cabinet
<p>(C) in respect of Building Matters :-</p>		Cabinet
<p>1. under the Building Act 1984 to :-</p>		Cabinet
<p>(a) relax the requirements of the Building Regulations when considered unreasonable (Section 8);</p>		Cabinet
<p>(b) approve plans, with or without conditions, deposited in accordance with the Building Regulations (Section 16);</p>		
<p>(c) reject plans where they are defective; or show that the proposed work would contravene one or more of the Building Regulations (Section 16);</p>		
<p>(d) reject plans where buildings or extensions are proposed to be erected over a sewer or a drain (Section 18);</p>		
<p>(e) approve and/or reject plans, with or without conditions, where plans show that short-lived materials will be used</p>		

Delegated Power	Formally Reported	Council Executive
(Section 19);		
(f) reject plans where satisfactory drainage provision has not been made (Section 21);		
(g) reject plans where satisfactory ingress and egress have not been provided to buildings (Section 24);		
(h) reject plans where unsatisfactory provision has been made for a supply of wholesome water sufficient for domestic purposes (Section 25);		
(i) sign and issue notices declaring plans of no effect (Section 32);		
(j) issue notices requiring owners to pull down or remove work contravening Building Regulations (Section 36);		
(k) inspect work carried out under Section 61;		
(l) apply for Dangerous Building Orders from the Magistrates' Court (Section 77);		
(m) serve Dangerous Buildings Notices, if immediate action is required to remove danger (Section 78);		
(n) serve notices in respect of ruinous or derelict buildings (Section 79)		
(o) serve notices on persons intending to carry out demolition (Section 81);		
(p) to enforce the provisions of and initiate the taking of legal proceedings with regard to :-		
(i) the use of materials unsuitable for permanent building (Section 20); and		
(ii) contravention of Building Regulations (Section 35); and		
2. under the requirements of the Building (Approved Inspector), etc. Regulations 1985 :-		

Delegated Power	Formally Reported	Council Executive
(a) to approve or reject as necessary the following notices and certificates :-		
(i) an Initial Notice;		
(ii) a Plans Certificate;		
(iii) a Final Certificate;		
(iv) a Public Body's Notice;		
(v) a Public Body's Plan Certificate; and		
(vi) a Public Body's Final Certificate;		
3. under the Safety of Sports Grounds Act 1975 :-		Council
(a) issue general safety certificates with regard to designated sports grounds;		Council
4. under the Highways Act 1980 :-		
(a) issue permits for the deposit of builders' skips on the highway (Section 139);		Council
(b) authorise the removal or repositioning of builders' skips (Section 140);		Council
(c) issue a to permit the obstruction of the highway by scaffolding or other structure (Section 169); and		Council
(d) issue a consent to dispense with the requirement to erect a hoarding or fence when building in a street or court (Section 172);		Council
5. in accordance with Regulation 8 of the Building (Local Authority Charges) Regulations 1998, to vary the charges in the scheme for specified types of repetitive building work.	✓	Council

Delegated Power		Formally Reported	Council Executive
(D) in respect of Estates and Property Management :-			
1.	grant the assignment and approve the sub-letting of any lease where there is no change of use;		Cabinet
2.	negotiate any acquisition, sale, lease or of land and buildings subject to approval of terms and Council policy;	✓	Cabinet
3.	let properties where previously approved by the Council;		Cabinet
4.	renew protected tenancies under the Landlord and Tenant Act 1954 and unprotected tenancies where favourable to the interests of the Council;		Cabinet
5.	make decisions, in principle, on applications to purchase property, reduce rentals etc. in accordance with Council policy;		Cabinet
6.	vary lease and sale terms grants and grant retrospective consents where favourable to the interests of the Council;	✓	Cabinet
7.	approve changes of use where planning permission has previously been granted or the use is considered deemed consent in line with the Use Classes Order;		Council
8.	accept offers and tenders for land and buildings in consultation with the relevant Cabinet Member;	✓	Cabinet
9.	incur capital expenditure on repairs to non-housing property (within the approved budget);		Cabinet
10.	agree terms in respect of former Council dwellings (in conjunction with the Director of Community Services);	✓	Cabinet
11.	make planning applications in respect of Council-owned land (in consultation with the relevant Cabinet Member);	✓	Cabinet
12.	to release, relax or vary restrictive and positive covenants on land or property in consultation with the relevant Cabinet Member;	✓	Cabinet
13.	negotiate and settle claims arising from Part I of the Land Compensation Act 1973;	✓	Cabinet

Delegated Power		Formally Reported	Council Executive
		above a threshold of £5k	
14.	grant and accept s, easements and wayleaves where favourable to the interests of the Council;	✓	Cabinet
15.	acquire land, for strategic purposes where the consideration does not exceed £10,000;	✓	Cabinet
16.	dispose of land not held for strategic purposes where the open market value does not exceed £10,000;	✓	Cabinet
17.	regularise claims of adverse possession and prescriptive easements by transfer of title following the advice of the Borough Solicitor; and		Cabinet
18.	acquire land and/or rights in connection with approved schemes for example highway schemes.	✓	Cabinet
(E) in respect of Hackney Carriage and Private Hire Matters :-			
1.	Authorise enforcement officers;		Council
2.	All powers and functions of the Authority in respect hackney carriage and private hire licensing matters subject to the following :-		Council
	(a) Where an application reveals one or more convictions which have not previously been considered by the Authority under this function and have not been dealt with by a fixed penalty notice the matter must be referred to the Licensing Committee; and		Council
	(b) Where an applicant for a driver's has more than nine points on their driving the matter must be referred to the Licensing Committee.		Council
(F) in respect of Public Protection :-			
1.	Exercise the functions of the Council in relation to the matters detailed above and in respect of those matters enforce the		Cabinet

Delegated Power		Formally Reported	Council Executive
	provisions of all relevant Acts and Regulations and any relevant subsequent and subordinate legislation;		
2.	at his/her discretion, undertake works in default of non-compliance following service of notice, including the serving of notices of intention to enter premises and carry out works and to arrange to recover the Council's costs;		Cabinet
3.	in respect of General Matters :-		Cabinet
	(a) waive car-parking fines, as appropriate;		Cabinet
	(b) process to complete all requests from contractors for change of status resulting from the submitted questionnaire with the proviso that when an amendment is sought for contractors to vary the contract value they are prepared to tender for by more than one approved financial band, they be determined following consultation with the relevant Cabinet Member;		Cabinet
	(c) make the services of specialist Officers in his/her Department available to the public to draw plans and give technical advice in respect of improvements to properties in designated Improvement Areas, subject to maximum financial limits of the work being undertaken (the Estates and Property Manager is authorised to exercise discretion in respect of this financial limit in cases where work is eligible for improvement grant);		Cabinet
	(d) The Director of Corporate Services select and appoint a Proper Officer, and alternative Proper Officers to carry out the statutory duties associated with :-		Cabinet
	(i) Public Health (Control of Diseases) Act 1984		Cabinet
	(ii) Public Health (Aircraft Regulations) 1979		
	(iii) National Assistance Act 1948 and its amendment for the purposes of Section 47 removals.		
	(G) Other Licensing and Registration Matters		
1.	All powers and duties of the Authority in respect of other licensing and registration matters, including (but not limited to);		Council
2.	Authorise officers with appropriate qualifications, maintain registers, issue and serve notices, carry out works in default		Council

Delegated Power		Formally Reported	Council Executive
	and other enforcement action; including the institution of criminal proceedings;		
3.	Licensing of premises and persons in respect of sex establishments, sale and supply of alcohol, provision of late night refreshment, provision of regulated entertainment, lotteries and gaming where no objections or representations are received, except for those functions which statute reserves to the relevant statutory committee; and		Council
4.	Licensing of premises and persons in respect of animal welfare, acupuncture, cosmetic piercing and tattoos.		Council
(H) Environmental and Consumer Matters			
1.	Maintain registers, issue notices, carry out works in default and other enforcement action, including the institution of criminal proceedings in respect of all powers and duties connected to the Authority's functions in respect of:		Council
	(a) Environmental protection, pollution and air quality;		Cabinet
	(b) Health and safety at work etc. Act to the extent that those functions are discharged otherwise than in accordance with the Authority's duties as an employer;		Council
	(c) Public health, including hygiene and control of disease;		Cabinet
	(d) Weights and measures;		Cabinet
	(e) Food Safety;		Cabinet
	(f) Trading standards and consumer protection;		Cabinet
	(f) sign notices under relevant environmental health and public protection legislation.		Cabinet
(I) in respect of Street Trading :-			
	All powers and duties in respect of the Authority's functions in respect of street trading, including, (but not limited to):		Cabinet

Delegated Power		Formally Reported	Council Executive
1.	Grant, revoke and attach conditions to street trading consents;		Council
2.	Authorise pavement cafés subject to consultation with the highways authority; and		Council
3.	Determine pavement café fees (in consultation with the relevant Cabinet).		Council
(J) General Matters :-			
1.	determine applications for the use of the Town Hall Forecourt, Council Suite and Committee Rooms (in consultation with the Leader of the Council);		Cabinet
2.	authorise Members to travel by air in accordance with current Department for Transport, Local Government and the Regions Guidelines;		Council
3.	issue HR1 Notices, where appropriate, in respect of job losses.	✓	Council

BOROUGH SOLICITOR

The Borough Solicitor has delegated powers to :-

Delegated Power	Formally Reported	Council Executive
<p>1. sign the following on behalf of the Council :- any document necessary to give effect to any resolution of the Council, Cabinet or any other body or person acting under delegated powers of Cabinet or Council;</p> <p>(a) notices of cancellation by local authorities in accordance with Section 53(5) of the Building Act 1984;</p> <p>(b) grants in relation to burials and cremations;</p> <p>(c) any necessary documents in relation to the surrender of Grants of Rights of Burial, and arrange re-purchases in appropriate cases;</p> <p>(d) agreements for the letting of allotments; and</p> <p>(e) every contract which exceeds £75,000 in value or amount in accordance with Contracts Procedure Rules, as set out in Part 4 of this Constitution or designate an Officer to sign such contracts;</p>		Council and Cabinet
<p>2. defend and/or settle, where appropriate, all claims made against this Council up to £50,000;</p>	✓ above a threshold of £5K	Cabinet
<p>3. take such proceedings or other steps as may be necessary to enforce any debt or other obligation to the Council or to pursue on its behalf any other civil claim;</p>		Cabinet
<p>4. institute criminal proceedings in respect of :- (a) offences against any legislation (including byelaws) which the Council is allowed to enforce, or which any of the Queen's subjects may prosecute; and (b) offences of common assault on behalf of an employee, if so required;</p>	✓	Cabinet
<p>5. take all necessary action to defend all criminal proceedings brought against the Council contrary to Section 539 of the Criminal Justice Act 1988;</p>		Cabinet
<p>6. brief Counsel and obtain Counsel's opinion;</p>		Cabinet
<p>7. issue proceedings, prosecute or take other steps as necessary under the Children Act 1989, Adoption Act 1976, Mental Health Act 1983, Crime and Disorder Act 1998 and regulations thereunder;</p>		Cabinet

Delegated Power		Formally Reported	Council Executive
8.	prepare documentation for and to represent the Council in the Special Educational Needs Tribunal;		Cabinet
9.	authorise any Officer of the Council to prosecute, or defend on its behalf, or to appear on its behalf in, proceedings before a Magistrates Court, in accordance with Section 223 of the Local Government Act 1972;		Cabinet
10.	authorise Officers and/or appoint Inspectors in conjunction with the Chief Executive (either may sign such authority or other certificate of appointment as may by law be required, pursuant to the provisions of Section 101 of the Local Government Act 1972 and the various statutory and other powers of the Council);		Council
11.	approve the granting of wayleaves and authorise the signing and sealing of any necessary document in connection therewith (following consultation with any other Officer concerned);		Council
12.	enter a defence to any claim brought against the Council;		Cabinet
13.	in cases of urgency, institute proceedings with a view to seeking an Injunction where he/she considers it expedient for the promotion or protection of the interests of the inhabitants of the area, pursuant to Section 222 of the Local Government Act 1972 or any other legislation permitting local authorities to seek an injunction with or without a power of arrest attached;	✓	Cabinet
14.	make orders :- (a) prohibiting trespassory assemblies under Section 70 of the Criminal Justice and Public Order Act 1994; (b) prohibiting public processions under Section 13 of the Public Order Act 1986; and (c) under Section 21 of the Town Police Clauses Act 1847, in all cases where temporary Road Closure Orders are required, subject to the residents and the Ward Councillors affected by such closures being informed by the Director of Community Services, and alternative residents parking being provided where possible;	✓ ✓ ✓	Council
15.	serve Notices to Quit, and any other notices and formal demands, on tenants which are deemed to be required in the interests of the Council (excluding the management of Council housing);		Cabinet
16.	terminate tenancies of those persons allowed possession of allotments who have not completed a tenancy agreement;		Cabinet
17.	issue 'certificates of opinion' as to whether or not the duties of a post fall within the criteria of political sensitivity;		Council
18.	accept any offer regarding land, goods to be supplied or work proposed to be executed in accordance with the Contracts Procedure Rules, as set out in Part 4 of this Constitution;	✓	Cabinet
19.	undertake enforcement action (including the service of Stop Notices and including legal proceedings) under the Town and Country Planning Acts in respect of contravening development and to authorise work in default;	✓	Council

Delegated Power		Formally Reported	Council Executive
20.	make Tree Preservation Orders under Section 198 of the Town and Country Planning Act 1990; and	✓	Council
21.	take appropriate action to achieve a settlement in the case of dispute under Part I of the Land Compensation Act 1973.	✓ above a threshold of £5K	Cabinet

LEGAL SERVICES MANAGER

The Legal Services Manager has delegated powers to :-

	Delegated Power	Formally Reported	Council Executive Council and Cabinet
1.	execute the powers delegated by the Council to the Borough Solicitor in his/her absence		

DIRECTOR OF COMMUNITY SERVICES

The Director of Community Services or in his/her absence the nominated Officer has delegated powers to :-

	Delegated Power	Formally Reported	Council Executive
(A) in respect of Contracted Services and Services operating within Trading Accounts :-			Cabinet
1. purchase materials, vehicles and equipment;			Council
2. serve the appropriate notice on employees to be made redundant;		✓	Cabinet
3. set prices for the sale of horticultural produce from Woodburn Nurseries;			Cabinet
4. negotiate venue hire charges for special events;			Cabinet
5. vary the percentage concessions available to 'Leisuresaver' card holders, provided that their 'Leisuresaver' price is well publicised on all publicity material;			Cabinet
6. operate the Civic Theatre and the Arts Centre on a trading account basis within the Council's approved net expenditure budgets;			Cabinet
7. introduce a variable scale of charges for clearing blocked drains removing household and trade refuse and to amend those charges to suit changing market conditions; and			Cabinet
8. submit, in urgent cases only, cross boundary tenders (which can involve work for other local authorities or bodies), which are in excess of £75,000 in value, in accordance with procedures previously agreed (following consultation with the relevant Cabinet Member, whenever possible).			Cabinet

Delegated Power	Formally Reported	Council Executive
(B) in respect of Housing Matters :-		
1. approve valuations of the Estates and Property Manager, within the Corporate Services Department, under the terms of the 'Right to Buy' Scheme;		Cabinet
2. administer the 'Right to Buy' and the sale of garages in accordance with Council policy;		Cabinet
3. acquire former Council dwellings (in conjunction with the Director of Corporate Services);	✓	Cabinet
4. dispose of vacant properties suitable for trickle transfer or short-life Housing Association Grant, [in consultation with the relevant Cabinet Member];	✓	Cabinet
5. institute proceedings against private landlords who illegally evict or harass their tenants under the Protection from Eviction Act 1977 and, as appropriate, seek compensation payments on behalf of the tenant;		Cabinet
6. provide advice and assistance to persons applying as homeless under Part 7 of the Housing Act 1996 and approve applications where appropriate;		Cabinet
7. operate a Housing Centre to provide assistance and information to individuals reflecting changing needs and requirements as appropriate;		Cabinet
8. select tenants and allocate housing accommodation and garages in accordance with Council policy;		Cabinet
9. authorise mutual exchanges of tenancies, as well as succession, assignment and subletting of tenancies, in accordance with the Housing Act 1985;		Cabinet
10. operate the Housing Organisations Mobility and Exchange Services (HOMES);		Cabinet

Delegated Power	Formally Reported	Council Executive
11. provide a mediation service in the private sector as well as for Council tenants, using the voluntary organisation UNITE Limited;		Cabinet
12. sign Notices of Seeking Possession and Notices to Quit in accordance with the Housing Act 1985;		Cabinet
13. instigate proceedings for the possession of Council dwellings where it is considered that the Terms of Tenancy have been breached;		Cabinet
14. in cases of urgency, or where possession is inappropriate, instigate proceedings with a view to seeking an injunction where it is considered the Terms of Tenancy have been breached in respect of nuisance, harassment or violence;		Cabinet
15. make applications to the Courts for a judgement in respect of recovery of rent arrears;		Cabinet
16. terminate tenancies of Council garages where it is considered the Terms of Tenancy have been breached;		Cabinet
17. manage the Council's housing properties, Council housing estates and ancillary amenities, including rent collection, recovery of arrears and debit control;		Cabinet
18. incur housing repair expenditure within budget levels and the programmed maintenance of local authority dwellings, garages and estates;		Cabinet
19. administer the Right to Repair Scheme and provide compensation in accordance with current regulations;		Cabinet
20. administer the Right to Compensation for Improvement Scheme in accordance with the current regulations;		Cabinet
21. authorise tenants home improvements in accordance with Council policy and the Housing Act 1985;		Cabinet
22. incur expenditure on adaptations to dwellings for people with disabilities within the approved budgets;		Cabinet

Delegated Power	Formally Reported	Council Executive
23. provide grants and make charges for services provided to Residents Groups recognised by and working in partnership with the Council;		Cabinet
24. arrange garden competitions in rural and urban areas in accordance with Council policy;		Cabinet
25. provide a Warden Service linked to a central control in respect of designated Council dwellings but also to individuals who would benefit from the service in both the private and Council sector in general;		Cabinet
26. sign notices, determine and administer applications for renovation grants, or other forms of home repair financial assistance and disabled facilities grants under the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform Order 2002, and where appropriate deal with breaches of conditions and require payment in whole or in part;	✓ where repayment less than Council entitlement	Cabinet
27. waive the qualifying period for renovation grants (in consultation with the relevant Cabinet Member);	✓	Cabinet
28. lease Council dwellings to other organisations providing specialist accommodation (in consultation with the relevant Cabinet Member);	✓	Cabinet
29. approve the demolition of Council garages (in consultation with the relevant Cabinet Member).	✓	Cabinet
30. under the Public Health Act 1936		Cabinet
(a) control the use of moveable dwellings (other than caravans) (Section 269); and		Cabinet
(b) arrange for cleansing of courts, yards and passage ways (Section 78).		Cabinet

Delegated Power	Formally Reported	Council Executive Cabinet
<p>31. Under the Housing Act 2004:-</p> <p><u>Part 1 – Housing Conditions</u></p> <p>(a) Utilise all powers relating to Category 1 and Category 2 Hazards under the Housing, Health and Safety Rating System namely but not limited to:</p> <p><u>Category 1 Hazards</u></p> <ul style="list-style-type: none"> i) Serve improvement notices and suspend and vary an improvement notice ii) Make prohibition orders and suspend and vary a prohibition order (section 20) iii) Serve hazard awareness notices (section 28) iv) Take emergency remedial action (section 40) v) Make a prohibition order (section 43) <p><u>Category 2 Hazards</u></p> <ul style="list-style-type: none"> vi) Serve improvement notices and suspend and vary an improvement notice (section 12) vii) Make prohibition orders and suspend and vary a prohibition order (section 21) viii) Serve hazard awareness notices (section 29) 		<p>Cabinet</p>

Delegated Power	Formally Reported	Council Executive
<p><u>Category 1 and 2 Hazards</u></p> <p>ix) Introduce a charge for serving improvement notices, making an prohibition order, serving a hazard awareness notice, taking emergency remedial action, making an emergency prohibition order. (Section 49(6))</p> <p>x) Introduce a reasonable charge for other remedial action and all other enforcement action taken by the authority (section 49)</p> <p>xi) Recover charges from debtors under section 49 (6) (section 50)</p>		
<p><u>Part 2 – Licensing of Houses in Multiple Occupation</u></p> <p>(b) Promote and operate a Licensing scheme for Houses in Multiple Occupation under part 2 of the Act namely but not limited to:</p> <p>i) Operate a Mandatory Licensing Control Scheme for Houses in Multiple Occupation as specified in Part 2 of the Housing Act (section 55)</p> <p>ii) Issue license applications and refuse applications for licences (section 63 and 64)</p> <p>iii) Issue s for a time period of up to 5 years (sections 60 and 68)</p> <p>iv) Charge a fee for the issue of license that pays for the running costs of the licensing scheme (section 63 (6 &7))</p> <p>v) Utilise powers to ensure that licensed Houses in Multiple Occupation are:</p> <ul style="list-style-type: none"> • Suitable for Multiple Occupation and prescribed standards exist (section 65) • Satisfactory management arrangements exist (section 66) 		Cabinet

Delegated Power	Formally Reported	Council Executive
<ul style="list-style-type: none"> • Local Authority License Conditions are adhered to (section 67) • National license conditions are adhered to (section 65) <p>vi) Refuse, revoke or vary a license (section 64, 69 and 70)</p> <p>vii) Issue temporary exemption notices for HMO's (section 62)</p> <p>viii) Pursue prosecution for those controlling or managing a Houses in Multiple Occupation without a licence (section 72)</p> <p>ix) Utilise powers to obtain Rent Repayment Orders for Unlicensed Houses in Multiple Occupation. (Section 73 and 74)</p> <p>x) Consider and review the introduction of additional licensing for other Houses in Multiple Occupation in addition to the Mandatory Licensing Scheme. (Section 56 and 57)</p> <p>xi) Charge a fee for the issue of license that pays for the running costs of the additional licensing scheme (section 63)</p>		
<p><u>Part 3 – Selective Licensing of Other Residential Accommodation</u></p> <p>(c) Consider the introduction of selective licensing and introduce selective licensing under Part 3 of the Housing Act to other private sector properties in certain areas of the borough, namely but not limited to:</p> <ul style="list-style-type: none"> i) Consider other circumstances for selective licensing (section 81) ii) Seek approval for additional licensing (section 82) 		Cabinet

Delegated Power	Formally Reported	Council Executive
<ul style="list-style-type: none"> iii) Satisfy notification requirements of additional licensing areas (section 83) iv) Specify the duration of the licensing and review and revoke the additional licensing areas (section 84) v) Licence all houses in the designated areas except those exempt under Part 2 of the Housing Act. vi) Provide temporary exemption from the licensing requirement (section 86) vii) Provide application facilities for licences (section 87) viii) Grant or refuse a licence (section 88) ix) Ensure that the licence holder is a 'fit and proper person' (section 89) x) Impose reasonable licensing conditions (section 90) xi) Vary or revoke a licence (section 92 and 93) xii) Charge a fee for the issue of licence that pays for the running costs of the selective licensing scheme (section 63) 		
<p><u>Part 4 – Additional Control Provisions in Relation to Residential Accommodation</u></p> <p>(d) Under Part 4 of the Housing Act exercise additional control provisions, namely but not limited to:</p> <p><u>Interim and Final Management Orders</u></p> <ul style="list-style-type: none"> i) Introduce and operate Interim and Final Management Orders where a licensed property or property owner fails to operate the license correctly within the requirements of the licensing control scheme. (Section 101 to 107) 		Cabinet

Delegated Power	Formally Reported	Council Executive
<ul style="list-style-type: none"> ii) Under specified and certain circumstances operate Special Interim Management Orders (section 103) iii) Vary and revoke Interim Management Orders (section 111 and 112) iv) Make Final Management Orders and operate Final Management Orders (section 113 and 114) v) Operate a management scheme and its accounts (section 119) vi) Vary and revoke Final Management Orders (section 121 and 122) vii) Exercise powers of entry to carry out works in buildings subject to Management Orders (section 131) <p><u>Interim and Final Empty Dwelling Management Orders</u></p> <ul style="list-style-type: none"> viii) Introduce and operate Empty Dwelling Management Orders (section 132) ix) Apply to a Residential Property Tribunal to obtain Empty Dwelling Management Orders (section 133) x) Manage properties and other duties where an Empty Dwelling Management Order is in place (section 135) xi) Introduce and operate Final Empty Dwelling Management Orders (section 136) xii) Carry out general duties relating to the operation of a Final Empty Dwelling Management Order (section 137) <p><u>Overcrowding Notices</u></p> <p>For properties and HMO's that are not subject to Mandatory Licensing.</p>		

Delegated Power	Formally Reported	Council Executive
<ul style="list-style-type: none"> xiii) Prepare suitable notices and serve notices in HMO's that are subject to overcrowding (section 139 and 140) xiv) Vary or revoke an overcrowding notice (section 144) xv) Take appropriate action relating to overcrowding in a dwelling (section 216) 		
<p><u>Part 7 – Supplementary and Final Provisions of the Housing Act 2004</u></p> <p>(e) Supplementary and Final Provisions</p> <ul style="list-style-type: none"> i) Introduce and maintain a register of all mandatory licensed HMO's and those HMO's subject to a management order (section 232) ii) Approve and introduce a code of practice for the management of HMO's and other buildings (section 233) iii) Approve and introduce regulations to secure satisfactory management conditions in HMOs' (section 234) iv) Exercise powers to require documents to be produced and the enforcement of powers to obtain information (section 235 and 236) v) Use information held by the Local Authority to carry out its functions and duties under Parts 1 to 4 of the Housing Act 2004 (section 237) vi) Exercise powers of entry without force under Parts 1 to 4 and Part 7 of the Housing Act 2004 (section 239) vii) Apply to a Justice of the Peace for a warrant to enter premises with force if required (section 240) viii) Exercise the right to serve documents by electronic form (section 246 to 248) 		Cabinet

Delegated Power	Formally Reported	Council Executive
<ul style="list-style-type: none"> ix) Declare a building a HMO where the building is not exclusively occupied by people as their main or only home where other the building would satisfy the HMO tests (section 255) x) Revoke a HMO declaration (section 256) xi) Make provisions to calculate the numbers of persons within a dwelling (section 264) 		
34. waive the repayment period of Right to Buy Discounts (in consultation with the relevant Cabinet Member).	✓	Cabinet
(NOTE - See (G) below for the delegated powers in respect of Private Sector Housing).		
(C) in respect of Housing Benefit Matters :-		
1. decide claims for Housing Benefit and Council Tax Benefit from applicants in accordance with the Social Security Administration Act 1992, Housing Benefit Regulations and Council Tax Regulations;		Cabinet
2. consider requests for backdated benefit where the claimant can demonstrate 'good cause' (Regulation 72 of the Housing Benefits Regulations and Regulation 62 of the Council Tax Benefit Regulations);		Cabinet
3. administer the local discretionary scheme of disregarding war pensions;		Cabinet
4. consider written requests for revision and appeals against decisions by carrying out an internal review, preparing submissions for The Tribunals Services and notifying the applicant of the outcome (Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001);		Cabinet
5. identify fraudulent claims for Housing Benefit and Council Tax Benefit and instigate sanctions including prosecutions in appropriate cases;		Cabinet

Delegated Power	Formally Reported	Council Executive
6. comply with the Security Against Fraud and Error (SAFE) incentive scheme to ensure that the Council does not incur penalties for not achieving the targets set by the Department;		Cabinet
7. identify overpayments of benefit and use discretion in the recovery of overpayments;		Cabinet
8. restrict a claimants eligible rent in appropriate cases where the Authority considers the rent is higher than is reasonable to meet by way of Housing Benefit;		Cabinet
9. award Discretionary Housing Payments for claimants whose benefit is calculated at an amount lower than the eligible rent or Council Tax they are charged and who are considered to be in hardship; and		Cabinet
10. ensure that Discretionary Housing Payments do not exceed the Permitted Totals Order.		Cabinet
(D) in connection with Leisure Matters :-		Cabinet
1. Authorise events in Council leisure and arts facilities in accordance with Council policy;		Cabinet
2. Consider (in consultation with the relevant Cabinet Member) the purchase of works of art from the Fine Art Fund and the Manley Bequest Fund where timescales do not allow Cabinet to consider the matter.	✓	Cabinet
(E) in respect of Adult Social Services :-		
1. To exercise the social services functions of the Council as defined in the Local Authority Social Services Act 1970 other than those for which the authority's Director of Children's Services is responsible under section 18 of the Children Act 2004.		Council and Cabinet
2. purchase personal social services for individual clients, up to the value of £75,000 per client, per annum;		

Delegated Power	Formally Reported	Council Executive
3. investigate financial status and waive or reduce charges for services when appropriate;	✓ where waiver/ reduction above £500	Cabinet
4. give access to client records;		Cabinet
5. appoint and remunerate, in appropriate cases, an interpreter;		Cabinet
6. in consultation with relevant agencies, make decisions in relation to proceedings under the Crime and Disorder Act 1998 including applications for Anti-Social Behaviour Orders;		Cabinet
7. implement such action as may be thought immediately necessary to ensure the safety of members of staff, up to a maximum cost of £1,000 to be funded from the existing revenue budget;	✓ above £500	Cabinet
8. decide whether to accept the conditional discharge of patient detained in hospital on a Restriction Order;		Cabinet
9. approve or refuse applications for registration as physically handicapped;		Cabinet
10. approve placements in residential or nursing homes in the statutory or independent sector in accordance with the approved care plan;		Cabinet
11. arrange for the payment of expenses in relation to the care of client's pets in emergency situations and where appropriate seek reimbursement from the client;		Cabinet
12. report the approval of Approved Social Workers to Cabinet for information		Cabinet
13. to make applications to the Court of Protection for Receivership Orders in relation to clients lacking mental capacity to carry out their financial affairs;		Cabinet

Delegated Power	Formally Reported	Council Executive Cabinet
14. to apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs;		Cabinet
15. accredit service providers;		Cabinet
16. enter into social care contracts on behalf of the Council for the provision of services to other parties where it is empowered by law to enter into such contracts up to the value of £75,000;		Cabinet
17. determine Inter-Authority charges, subject to them being not less than the standard charges;		Cabinet
18. in relation to domiciliary care support services, to exercise discretion where any service user is unable to meet the level of assessed contributions, to review those changes; and		Cabinet
19. to carry out the health functions delegated to the Authority by an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 Health Act 1999.		Statutory
(F) in respect of Supporting People Matters :-		
1. make payments of Supporting People grant in accordance with Supporting People Grant Conditions;		Cabinet
2. consider requests for backdated subsidy where the client has been awarded backdated Housing Benefit or a backdated Fairer Charging Assessment;	✓ where waiver/ reduction above £500	Cabinet
3. award payment of subsidy for clients in receipt of Housing Benefit or a Fairer Charging Assessment in accordance with the Supporting People Charging Policy;		Cabinet
4. consider written requests for revisions of award of subsidy by carrying out an internal review, in accordance with the Supporting People Charging Policy; and		Cabinet

Delegated Power	Formally Reported	Council Executive
5. identify overpayments of subsidy and use discretion in the recovery of overpayments.		Cabinet
(G) in respect of Private Sector Housing :-		
1. at his/her discretion, undertake works in default of non-compliance following service of notice, including the serving of notices of intention to enter premises and carry out works and to arrange to recover the Council's costs;		Cabinet
2. serve notices and utilise powers under :-		Cabinet
(a) Sections 4 and 6 of the Prevention of Damage by Pests Act 1949 regarding pest control;		Cabinet
(b) Sections 16 and 35 of the Local Government (Miscellaneous Provisions) Act 1976 regarding requests for information in respect of ownership and obstructions in private sewers, respectively;		Cabinet
(c) Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of the protection of buildings; and		Cabinet
(d) the following sections of the Building Act 1984:- Section 59 - drainage of buildings; Section 60 - use and ventilation of soil pipes; Sections 64 to 65 - provision of sanitary conveniences; Section 66 - replacement of earth closets; Section 84 – paving and drainage of yards and passages; Section 99 – enforcement of notice requiring working; and Section 102 – requirements of exercising powers;		Cabinet
3. under the Public Health Act 1936 :-		Cabinet

Delegated Power	Formally Reported	Council Executive
(a) serve and enforce all notices in any relevant section; and (b) examine and test drains, private sewers and open ground (Section 48);		Cabinet
4. under the Public Health Act 1961 :-		Cabinet
(a) serve and enforce all notices in any relevant section; and (b) undertake the cleansing or repair of drains (Section 22); and		Cabinet
5. serve and enforce all notices and utilise powers under the following Sections of the Environmental Protection Act 1990 :- Section 70 – Statutory Nuisances and inspections; Section 80 – Summary proceedings for Statutory Nuisances; and Section 81 - Supplementary provisions.		Cabinet
(H) Crime and Disorder Matters		Cabinet
1. All powers and duties of the Council in respect of anti-social behaviour, including (but not limited to):		Cabinet
(a) Authorise properly qualified officers or agents.		Cabinet
(b) Enforce the provisions of the Anti-Social Behaviour Act 2003 and associated legislation; including institution of criminal proceedings, issue of fixed penalty notices, injunction and trespass proceedings and anti-social behaviour orders.		Cabinet
(I) in respect of Highways Matters :-		
1. under the Highways Act 1980 :-		

Delegated Power	Formally Reported	Council Executive
(a) determine applications for dedication - Section 37;		Cabinet
(b) enter into agreements for adoption - Section 38;		
(c) serve notice to prevent obstruction of view at corners - Section 79;		
(d) erect and maintain fences - Section 80;		
(e) determine applications for authorisation of works - Section 135;		
(f) grant or refuse to plant trees or shrubs in the highway - Section 142;		
(g) authorise or refuse the erection of gates or stiles - Section 147;		
(h) determine applications for vehicle crossings over footways or verges - Section 184;		
(i) erect flagpoles etc. on highways;		
(j) establish bus stops following appropriate consultation;	✓	Cabinet
(k) determine applications to remove hedgerows and to deal with contraventions under the Hedgerow Regulations 1997; and		Council
(l) enforce all the provisions of and initiate legal proceedings under all the sections of the Highways Act 1980.		Council and Cabinet
2. under the Road Traffic Regulation Act 1984 :-		Cabinet

Delegated Power	Formally Reported	Council Executive
(a) in relation to orders for the regulation of traffic to make any order under the Act with the agreement of the relevant Cabinet and to carry out the consultation and publicity required under the Act unless any objections are received from members of the public in which case the proposed order will be considered by Cabinet; and		Cabinet
(b) effect the introduction of temporary traffic orders and notices.		Cabinet
3. To carry out all the powers and duties detailed in Section I Part 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 1992 (functions relating to public rights of way);	Council	Council
4. under the Countryside and Rights of Way Act 2000, determination (in consultation with the Borough Solicitor) of applications claiming rights to cross village greens;		Cabinet
5. to take or compromise action (including legal proceedings) in relation to the sale or repair of vehicles on highways under the Clean Air and Neighbourhoods Act 2005;		Cabinet
6. to make confirm or vary gating orders under the Clean Air and Neighbourhoods Act 2005 (subject to the prior consideration by Cabinet of any formal objection to proposals to confirm or vary such an order).		Cabinet
(J) in respect of Engineering matters :-		
1. issue notices for the removal, alteration or closure of public sewers subject to his/her satisfaction as to :-		Cabinet
(a) the suitability of the developers alternative drainage provisions for existing users; and		Cabinet
(b) the necessary agreements between the developer and the private drainage owners being enforced and in a form to adequately safeguard the interests of the owners of the private drainage, so they can enjoy rights no less commodious than they would currently enjoy;		Cabinet

Delegated Power	Formally Reported	Council Executive
2. serve Notices to ensure essential works are carried out under :-		Cabinet
(a) Section 59 of the Building Act 1984;		Cabinet
(b) Section 17 of the Public Health Act 1961; and		Cabinet
(c) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976.		Cabinet
(K) in respect of Economic Development and Tourism matters :-		
6. authorise the loan of exhibits and donations to and from Council Museums in accordance with the Council policy for exhibits and donations		Cabinet
(L) in respect of the Covered Market :-		
1. subject to satisfactory references, grants to assign stalls and give consent for changes in the goods sold from a particular stall or stalls in accordance with the Council's policies (and in consultation with the relevant Cabinet Member);		Cabinet
2. let vacant basement areas on terms previously approved at the rent review;		Cabinet
3. advertise vacant stalls and seek offers by sealed tender (in consultation with the relevant Cabinet Member); and		Cabinet
4. let vacant stalls on short term lettings at varied terms, but within Council policies, with a view to maintaining income for the Council.		Cabinet
(M) in respect of Markets :-		Cabinet
All powers and duties in respect of the Authority's functions in respect of markets including, (but not limited to):		Cabinet

Delegated Power	Formally Reported	Council Executive
1. provide and operate an open market in accordance with Authority policy, relevant byelaws and the open market regulations;		Cabinet
2. Provide and operate a covered market in accordance with Authority policy and exercise the Authority's powers as a landlord, subject to the following :-		Cabinet
(a) operate in accordance with the Council's policies and regulations;		Cabinet
(b) award or grant daily lets for the use of sites for promotional purposes for purposes consistent with the Council's policies;		Cabinet
(c) vary the letting terms of the daily lets in accordance with any loyalty or other Council approved schemes with a view to maintaining the income of the Council; and		Cabinet
(d) organise mid-week markets and determine tolls (in consultation with the Chair of the Town Centre Forum).		Cabinet
(N) in respect of Allotments :-		
1. sign agreements for letting;		Cabinet
2. terminate tenancies of those persons who have not completed a tenancy agreement;		Cabinet
3. terminate agreements if a tenant is in breach of the tenancy agreement; and		Cabinet
4. abate the first year's rent in respect of 'poor' plots.		Cabinet

Delegated Power	Formally Reported	Council Executive
(O) in respect of General Matters :-		
1. All powers and duties in respect of the Council's functions in respect of Environmental Services.		
2. Authorise properly qualified officers or agents to enforce and institute criminal proceedings in respect of all relevant environmental legislation, including the issue of fixed penalty notices.		Cabinet
3. authorise the erection of new stiles and gates on public footpaths and bridleways under Section 147 of the Highways Act 1980;		Cabinet
4. serve Requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, to facilitate the effective management of the Public Rights-of-Way network.		Cabinet
5. interpret eligibility for residents' parking permits;		Cabinet
6. interpret eligibility for entitlement to concessionary fares;		Cabinet
7. deal with reimbursement arrangements under the Concessionary Fares Scheme;		Cabinet
8. issue permits in connection with access to restricted areas;		Cabinet
9. remove redundant Council-owned bus shelters if there is little likelihood of bus services returning to them (in consultation with Ward Members);		Cabinet
10. erect stored bus shelters at non-contentious sites and/or as replacement shelters for those beyond economic repair (subject to prior consultation with Ward Councillors);	✓	Cabinet
11. deal with highway matters regarding bus operations in Darlington (in consultation with the relevant Cabinet Member);		Cabinet

Delegated Power	Formally Reported	Council Executive
12. determine applications received from developers for signs to new housing developments using the previously agreed criteria;		Cabinet
13. agree appropriate arrangements with developers permitting them to undertake the erection, maintenance and removal of signs;		Cabinet
14. charge a standard fee to cover administrative costs on applications;		Cabinet
15. review the fee annually; and		Cabinet
16. where timescales do not permit Cabinet to consider issues under the Public Health Act 1920 (concerning the naming and numbering of streets), the Director, in consultation with the relevant Cabinet Member and, be authorised to make such responses as necessary.	✓	Cabinet

ASSISTANT DIRECTOR OF HOUSING SERVICES

The Assistant Director of Housing Services has delegated powers to :-

Delegated Power	Formally Reported	Council Executive Cabinet
Sign notices of seeking possession and notices to quit under the Housing Act 1985.		

ASSISTANT DIRECTOR OF LEISURE AND ARTS

The Assistant Director of Leisure and Arts has delegated powers to :-

Delegated Power	Formally Reported	Council Executive Cabinet
negotiate and sign all contracts for performances at the Arts Centre and Civic Theatre.		

DIRECTOR OF CHILDREN'S SERVICES

The Director of Children's Services or in his/her absence the nominated Officer has delegated powers to :-

	Delegated Power	Formally Reported	Council Executive
1.	All powers and duties in relation to the Authority's function as a local education authority and as a provider of youth services, including, but not limited to the following:		Cabinet
2.	To exercise the Social Services functions of the Council as defined in the Local Authority Social Services Act 1970 so far as they relate to Children.		Cabinet
3.	Issue fixed penalty notices;		Cabinet
4.	Institute criminal proceedings for failure to cause a child to attend school on a regular basis;		Cabinet
5.	Institute criminal proceedings for failing to comply with a school attendance order;		Cabinet
6.	Institute criminal proceedings in respect of causing nuisance or annoyance on school premises;		
7.	Authorise officers to enforce the legislation and byelaws relating to the employment of children and institute criminal proceedings in respect of any breach.		Cabinet

Article 12 – Officers

Management Structure

General

1. The Full Council will engage such Officers as it considers necessary to carry out its functions.

Chief Officers

2. The Full Council will engage persons for the following posts, who will be designated Chief Officers :-

POST	RESPONSIBLE FOR
Chief Executive (Head of Paid Service)	No departmental responsibilities, the role is a strategic one in conjunction with the Council's Policy Unit, which links the Council's strategic management to its political leadership. In addition, the Chief Executive shall have the following roles:- (1) overall corporate management and operational responsibility; (2) the provision of professional advice to all parties in the decision-making process; (3) together with the Monitoring Officer, responsibility for a system of record keeping for all of the Council's decisions; and (4) representing the Council on partnership and external bodies. (5) Communications
Director of Corporate Services	Accounting Services, Corporate Governance, Democratic Services, Exchequer Services, Financial Services, Asset Management, Human Resource Management, Information and Communications Technology, Legal Services and Public Protection
Director of Community Services	Adult Social Care and Health, Housing, Housing Benefits, Environmental Services, Community Safety, Leisure, Arts, Museums, Tourism, Building and Design Services, Technical Services, Engineering and Highways, Markets and Countryside.
Assistant Chief Executive (Policy and Performance)	Assisting the Chief Executive, Policy Unit, Leading Edge, Community Safety, partnerships (LSP), Local Area Agreement, voluntary sector, community engagement,

Assistant Chief Executive (Regeneration)	Economic Development, Economic Regeneration, Planning, Transport Policy, Tourism Strategy and Town Centre Management, Business Engagement and Climate Change
Director of Children's Services	Children and Families, School Advisory Service, Management and School Support, Community Education, Learning Development, Pupil Support, Libraries, Youth Service, Youth Offending Team and Early Intervention Team
Director of Adult Social Services	Adult and Older People's Services, Learning Disability Services, and Mental Health Services.
Borough Solicitor	Giving legal advice to the Council and for providing the Council with services for Committee administration, the support of Elected Members, civic and ceremonial occasions, registration of births, deaths and marriages, elections, electoral registration, land charges and common administrative services.
Head of Human Resource Management	Giving advice to the Council on the deployment of human resources and for providing the Council with comprehensive services for the recruitment, selection, training and welfare of its employees.

Head of Paid Service, Monitoring Officer and Chief Finance Officer

3. The Council will designate the following posts as shown :-

POST	DESIGNATION
Chief Executive	Head of Paid Service
Borough Solicitor	Monitoring Officer
Director of Corporate Services	Chief Finance Officer

4. Such posts will have the functions described in paragraphs 6 to 23 below.

Structure

5. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out in Part 7 of this Constitution.

FUNCTIONS OF THE HEAD OF PAID SERVICE

Discharge of functions by the Council

6. The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

Restrictions on Functions

7. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

FUNCTIONS OF THE MONITORING OFFICER

Maintaining the Constitution

8. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consideration by Members, employees and the public.

Ensuring Lawfulness and Fairness of Decision-Making

9. After consulting with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the Full Council, or to Cabinet in relation to a cabinet function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or, if any decision or omission has given rise to maladministration (if the Ombudsman has issued a report). Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
10. Where such a Monitoring Officer's report is made, the relevant Scrutiny Committee or Committees will consider whether it would be appropriate to hold a short enquiry into the matter which is the subject of that report prior to the Council's or Cabinet's consideration of it.

Supporting the Standards Committee

11. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Receiving Reports

12. The Monitoring Officer will receive and act on reports made by external Ethical Standards Officers and decisions of the case tribunals.

Conducting Investigations

13. The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the

Standards Committee.

Proper Officer for Access to Information

14. The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible, in accordance with the Access to Information Procedure Rules, as set out in Part 4 of this Constitution.

Advising Whether Cabinet Decisions are within the Budget and Policy Framework

15. The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

Providing Advice

16. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Councillors and Officers of the Council.

Restrictions on Posts

17. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

FUNCTIONS OF THE CHIEF FINANCE OFFICER

Ensuring Lawfulness and Financial Prudence of Decision-Making

18. After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council, or to the Cabinet in relation to a cabinet function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.
19. Where such a Chief Finance Officer's report is made, the relevant Scrutiny Committee or Committees will consider whether it would be appropriate to hold a short enquiry into the matter which is the subject of that report prior to any consideration of it by Council or Cabinet.

Administration of Financial Affairs

20. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to Corporate Management

21. The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing Advice

22. The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Councillors and the Mayor and will support and advise Councillors and Officers in their respective roles.

Give Financial Information

23. The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer

24. The Council will provide the Monitoring Officer and the Chief Finance Officer with such Officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.
25. The Council will ensure that the Monitoring Officer and the Chief Finance Officer have access, as necessary, to meetings and papers and that Members consult with him/her regularly.

Conduct

26. Officers will comply with the Code of Conduct for Employees and Confidential Reporting Policy and the Protocol of Member/Officer Relations, as set out in Part 5 of this Constitution.

Employment

27. The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules, as set out in Part 4 of this Constitution.

APPENDIX 3

DESIGNATED AND PROPER OFFICER APPOINTMENTS

Designated Officers

TITLE	APPOINTEE	STATUTE
Chief Finance Officer	Director of Corporate Services	Local Government Act 1972 Section 151
Head of Paid Service	Chief Executive	Local Government and Housing Act 1989 Section 4(1)
Monitoring Officer	Borough Solicitor	Local Government and Housing Act 1989 Section 5(1)
Returning Officer (Local Government Elections)	Chief Executive	Representation of the People Act 1983 Section 35
Electoral Registration Officer	Borough Solicitor	Representation of the People Act 1983 Section 8
Cremations Registrar	Assistant Director Environmental Services	Cremation Regulations 1930 (Reg. 17)

NOTES

1. Section 113 of the Local Government Finance Act 1988 provides that the Chief Finance Officer must also be the Council Tax Registration Officer.
2. Under Section 114 of the Local Government and Finance Act 1988 the Chief Finance Officer must nominate a suitably qualified member of his staff to carry out his duties under that Section when he is unable to act through absence or illness.
3. Under Section 5(7) of the Local Government and Housing Act 1989 the Monitoring Officer must nominate a deputy to act when he is unable through absence or illness to fulfil the role himself.
4. Under Section 35 of the Representation of the People Act 1983 the Returning Officer may appoint deputies to assist him in his duties.
5. Under Section 52(2) of the Representation of the People Act 1983 the Electoral Registration Officer may appoint deputies to assist him in his duties.
6. Under Section 24 of the Representation of the People Act 1983 the Returning Officer at a parliamentary election is the Chairman of the Council. However, under Section 28 of that Act, the Electoral Registration Officer may discharge the functions of the Returning Officer as Acting Returning Officer. Under sub-section (5) the Acting Returning Officer has power to appoint deputies.

Proper Officers

APPOINTEE

FUNCTION

Director of Corporate Services

Landlord and Tenant Acts

To be the proper officer to serve and receive notices on behalf of the Council for the purposes of S23 of the Landlord and Tenant Act 1927 and S66 of the Landlord and Tenant Act 1954

Borough Solicitor

Licensing Act 1964

Schedule 2 (Sections 53 and 71) and Schedule 6 (Sections 40, 44 and 92) provide that the proper officer is to receive notices of licensing applications

Returning Officer

Local Government Act 1972

S83(1) provides that a declaration in the prescribed form of acceptance of office of Chairman, Vice-Chairman or councillor just be made by councillors to the proper officer.

Returning Officer

S84 states that written notice of resignation must be given by councillors to the proper officer.

Returning Officer

S88(2) gives the proper officer power to convene a meeting for purpose of filling casual vacancy in case of Chairman of the Council.

Returning Officer

S89(1)(b) makes provision for the proper officer to accept notice in writing of the casual vacancy occurring in the office of councillor.

Director of Corporate Services/Borough Solicitor

For all purposes connected in the Local Government Act 1972 and the Local Government Act 2000 concerned with the provision of information about the decisions made or to be made by councillors including access to agenda, reports, background papers, minutes and records of decisions.

Chief Executive

S100F provides that the proper officer is to deal with additional rights of access to documents for members of principal councils.

Director of Corporate Services

S115 provides that the proper officer shall receive any monies held or received by officers during the course of employment, or shall issue directions as to whom the monies should be paid.

Director of Corporate Services

S137A gives the proper officer power to require a voluntary organisation or similar body to supply information to him, where a local authority uses its powers under S137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum.

Chief Finance Officer

S146 provides that the proper officer is to make a statutory declaration, or give a certificate, in order to allow for securities etc. to be transferred on change of name of local

authority or change of area.

Assistant Chief Executive - Regeneration	<u>S191(2)</u> provides that the proper officer shall (when necessary) appoint a person to assist in examining, ascertaining and making out boundaries in accordance with the Ordnance Survey Act 1841 and shall also arrange for advertisements to be placed in newspapers in the area.
Chief Executive	<u>S210(6 & 7)</u> appoints the proper officer to be vested with certain powers in respect of charities.
Monitoring Officer	<u>S225</u> imposes a duty on the proper officer to receive and retain documents deposited with him pursuant to standing orders of either House of Parliament or any statute or instrument.
Monitoring Officer	<u>S229(5)</u> provides that the proper officer must certify any photographic copies of documents.
Monitoring Officer	<u>S234(1)</u> provides that any notice, order or other document which a local authority are authorised or required to give under any enactment may be signed on behalf of the authority by the proper officer.
Monitoring Officer	<u>S236(9)</u> provides that proper officer of a District Council shall send a copy of bylaws made by them to the proper officer of Suffolk County Council.
Monitoring Officer	<u>S238</u> provides that printed copies of bylaws are endorsed with a certificate signed by the proper officer.
Borough Solicitor	<u>S248</u> provides that the proper officer must keep the roll of freemen of the town.
Borough Solicitor	<u>Schedule 12 (Section 99)</u> contains provisions governing conduct of meetings, including requirements for notices to be given by proper officer in subsection (3), and the appointment of the proper officer to sign summons to attend meetings of the Council and specifying the proposed business.
Borough Solicitor	<u>Schedule 14 (Section 180)</u> provides that the proper officer has to certify true copies of resolutions under the Public Health Acts 1875 to 1925.
Borough Solicitor	Schedule 29 s41 Proper Officer for Births Marriages and Deaths
Monitoring Officer	Local Government Act 1974 <u>S30</u> provides that the proper officer must give public notice of the ombudsman's reports.

Monitoring Officer	<p>Local Government (Miscellaneous Provisions) Act 1976 <u>S41</u> provides that copy resolutions and Minutes may be certified by the proper officer or a person authorised in that behalf by him or the authority.</p>
Borough Solicitor	<p>Local Land Charges Act 1975 <u>S3</u> requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the “proper officer”.</p>
Borough Solicitor	<p>Local Authorities Cemeteries Order 1977 To sign exclusive rights of burial</p>
	<p>Highways Act 1980 These provisions fall within the terms of the agreement with Suffolk County Council. Any notice, consent, etc. may be signed on or behalf of the Council by the proper officer or any officer of the Council authorised in writing so to do.</p> <p><u>S37</u> provides that a certificate issued under subsection (3) or an order made under subsection (4) shall be deposited with the proper officer.</p> <p><u>S295</u> gives power to remove certain materials from highways after proper officer has given notice.</p> <p><u>Schedule 9</u> and Sections 73 and 74 provide that the proper officer shall sign the plan showing the building or improvement line for widening of streets.</p>
	<p>Representation of the People Act 1983 <u>S67(7)(b)</u> receipt of notice of an election agent for local elections.</p>
Borough Solicitor	<p><u>S.82 and 89</u> Receipt of election expense declarations and returns and the holding of those documents for public inspection.</p>
Returning Officer	<p><u>S128</u> provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area.</p>
Assistant Director Public Protection in relation to commercial property	<p>Building Act 1984 <u>S61</u> provides that the proper officer or any other authorised officer to be given free access to works of repairs to an underground drain.</p>
Assistant Director – Housing in relation to private landlords	<p><u>S61</u> provides that the proper officer or any other authorised officer to be given free access to works of repairs to an underground drain</p>
Assistant Director Public	<p><u>S78(8)</u> provides that the proper officer may as an officer of</p>

Protection in relation to commercial property	the local authority exercise powers under sub-section (1) to take action with regard to a dangerous building.
Assistant Director Public Protection in relation to commercial property	<u>S93</u> provides that notices and other documents under this Act may be signed by the proper officer or by an officer authorised by him in writing.
Health Protection Agency Appointee	Public Health (Control of Diseases) Act 1984 <u>S11</u> provides that case of notifiable disease and food poisoning to be reported to proper officer.
Health Protection Agency Appointee	<u>S18</u> provides that the proper officer may request information from the occupier of premises in cases of notifiable disease or food poisoning.
Health Protection Agency Appointee	<u>S20</u> gives the proper officer power to order a person to stop work in order to prevent spread of disease.
Health Protection Agency Appointee	<u>S21</u> gives the proper officer power to order exclusion of a child from school if liable to convey notifiable disease.
Health Protection Agency Appointee	<u>S22</u> gives the proper officer power to require schools to provide list of day pupils in cases of notifiable disease.
Health Protection Agency Appointee	<u>S24</u> gives the proper officer power to arrange for the disinfection of infected articles before they may be taken or sent to be washed.
Health Protection Agency Appointee	<u>S29, S30 and S31</u> concern the power of the proper officer to require and certify proper disinfection of premises and infected articles.
Health Protection Agency Appointee	<u>S32</u> The proper officer may cause the removal of persons from an infected house.
Health Protection Agency Appointee	<u>S36</u> provides that the proper officer may certify the belief of the necessity for the examination of group of persons believed to comprise carriers of notifiable disease.
Health Protection Agency Appointee	<u>S40</u> provides for the proper officer to arrange medical examination of inmates of common lodging house.
Health Protection Agency Appointee	<u>S42</u> concerns closure of common lodging house on account of notifiable disease until the proper officer certifies it is free from infection.
Health Protection Agency Appointee	<u>S43</u> concerns persons dying in hospital with notifiable disease, whereupon the proper officer can prevent the body being removed from the hospital.
Health Protection Agency Appointee	<u>S48</u> provides that the proper officer can certify the necessity for the removal of body to mortuary or for immediate burial.

Assistant Director - Housing	Housing Act 1985 For the purposes of part XVIII (reports to local authority about unfit housing)
Chief Executive	Local Elections (Principal Area) Rules 1986 Retention and public inspection of documents after an election.
Chief Executive	Local Elections (Parishes and Communities) Rules 1986 Retention and public inspection of documents after an election.
Borough Solicitor	Local Government (Committees and Political Groups) Regulations 1990 For the purposes of the composition of committees and nominations to political groups.
Director of Corporate Services	Local Government Finance Act 1988 <u>S116</u> provides that the proper officer must give the authority's auditor notice of meetings held under S115.
Assistant Chief Executive - Regeneration	<u>Schedule 4 (Section 10(1)) paragraph 6-8</u> where notice has to be served on the Council concerning the acquisition of wayleaves over Council-owned land.
Assistant Chief Executive - Regeneration	<u>Schedule 4 (Section 10(1)) paragraph 9</u> where notice has to be served on the Council concerning the felling and lopping of trees etc.
Assistant Chief Executive - Regeneration	<u>Schedule 8 (Section 36(8)) paragraph 1</u> where applications have to be made for consent to construct generating stations on Council-owned land.
Assistant Chief Executive - Regeneration	<u>Schedule 8 (Section 36(8)) paragraph 2</u> Where applications for consent have to be served on the local planning authority
Director of Corporate Services	Local Government and Housing Act 1989 <u>S2(4)</u> provides that a local authority must deposit and keep up to date a list of politically restricted posts with the proper officer.
Borough Solicitor	<u>S19(1)</u> provides that if the Secretary of State exercises his powers under this section to make regulations as to declaration of Members' interests, notice must be given by Members to the proper officer in accordance with these.
Assistant Director Public Protection	Food Safety Act 1990 S49(3) Any document which a food authority are authorised or required by or under this Act to give, make or issue may

be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within his province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document.

Local Authorities (Standing Orders)(England) Regulations 2001

Borough Solicitor

Office who will given written notice of appointment or dismissal of officers listed in Schedule 1, Part II, paragraph 3

Local Government Act 2000

Borough Solicitor

All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation.

Health Act 2006

Assistant Director Public Protection

Section 10(3) of the Health Act 2006 says “It is the duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter and regulations made under it.”

Section (5) states : In this Chapter, “authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter.

Section (7) refers to Schedule 2 which lists the powers of entry, etc.

Section 9(1) says “An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give him a penalty notice in respect of the offence”>

Assistant Director Public Protection

Smoke-free (Premises and Enforcement) Regulations 2006

Assistant Director Public Protection

Regulation 3 makes an enforcement authority

Housing Act 2004

Assistant Director – Housing Trading Standards Manager

For all purposes.

Chief Inspector of Weights and Measures under Section 72 of the Weights and Measures Act 1985