

Schedule 4

Scheme of Delegation to Officers

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INTRODUCTIONS AND PERMISSIONS NEW SCHEME

Introduction

1. The Council has adopted a vision expressed in the phrase One Darlington: Perfectly Placed which aspires to provide fairness and prosperity for the people of Darlington. To enable that vision managerial and operational decisions are taken, within a framework of democratic accountability, at the most appropriate level, which is usually the closest point of contact to the citizen. This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council's services within the budget and policy framework set by the Council, and subject to the guidelines set by the Executive and the Council's management team.

Overall Limitations

2. The exercise of delegated powers is subject to the following overriding limitations.

Member Consultation

3. Officers set out in the scheme are expected in appropriate cases to:-
 - (a) maintain a close liaison with the appropriate portfolio holder or in their absence the Leader or another Cabinet Member;
 - (b) in the case of temporary or project specific delegations Officers will consult relevant portfolio holders;
 - (c) ensure the Ward Councillor(s) is consulted or advised of the exercise of delegated powers; and
 - (d) ensure that the Chief Executive, Director of Resources and Assistant Director Resources are consulted and advised of any decisions as necessary.
4. Portfolio holders for the relevant area should be consulted on the exercise of a delegated power in all cases where :-
 - (a) there is likely to be opposition from members of the public;
 - (b) where there are political sensitivities; or
 - (c) expenditure is unusual for the budget area.
5. Before exercising any delegated power, officers must consider whether to consult with the relevant portfolio holder on the exercise of delegated powers or not to exercise delegated powers but to refer the matter to the relevant member or member body to decide.
6. The Leader or any Cabinet Member may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate member body for a decision.
7. This does not limit the general requirements set out elsewhere in the constitution to consult with relevant ward members, scrutiny chairs and interested groups in reaching decisions.

Reservations

8. The scheme does not delegate to officers:-
 - (a) any matter reserved to full Council;
 - (b) any matter which by law may not be delegated to an officer;
 - (c) any Key Decision; or
 - (d) any matter expressly withdrawn from delegation by the Council, the Executive, the Planning Applications Committee and the Licensing Committees.

Restrictions

9. Any exercise of delegated powers is subject to
 - (a) any statutory restrictions;
 - (b) the budget and policy framework;
 - (c) any provision contained in this Constitution including the Procedure Rules;
 - (d) any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
 - (e) any policy set by the Council or its committees, the Executive or the Chief Executive; and
 - (f) the Code of Conduct for Employees.

Permissions

10. This scheme delegates to Officers named or described in the Areas of Responsibility section all the powers and duties relevant to those areas of responsibility that rest with the Council or which have been delegated or granted to the Council, subject to the limitations, restrictions, reservations and requirements for consultation set out above. This includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation including but not limited to:

(a) Powers in relation to staff

Take any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment except as detailed in the Staff and Employment Exceptions chart.

(b) Powers in relation to contracts and property

Powers in relation to contracts and property agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and in relation to property to acquire, dispose of, let and licence except as detailed in the Contracts and Property Exceptions Charts.

(c) Powers in relation to planning

Powers to determine applications, grant permission, refuse permission, to publicise applications, to comment or make representations on applications, notifications and consultations, to raise objections, to require documentation and information, to take appropriate action on enforcement, to negotiate, complete, vary, discharge or amend planning obligations and agreements, other than as detailed in the Legal Exceptions Chart.

(d) Powers in relation to finance

Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods, or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, except as detailed in the Finance Exceptions Chart.

(e) Powers in relation to legal action

Powers to authorise, appoint or nominate officers and to investigate, prosecute, enforce, lay summons, require individuals to disclose information, serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices, including fixed penalty notices and serve documents, make prohibition orders, suspend or vary a prohibition order, take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licenses and license applications, issue permits, refuse, vary or revoke licensing applications, issue temporary exemption notices, obtain, introduce, operate, amend, extend, vary and revoke orders, impose conditions, introduce and maintain registers, exercise powers of entry without force, apply for a warrant, make, vary or revoke a declaration and grant, vary, revoke and attach conditions to consents except as detailed in the Legal Exceptions Chart.

The Chief Executive

11. The Chief Executive will have the following additional powers:

- (a) to carry out the powers and duties of any of the officers in their absence or in consultation with them;
- (b) to incur expenditure in the event of a civil emergency;
- (c) in cases of urgency to take any decision which could be taken by the Council, the Executive or a committee in consultation with the Leader; and
- (d) to alter the areas of responsibility of the Directors and Assistant Directors set out in the Areas of Responsibility section of this scheme.

Directors

12. Directors will have the powers to carry out the powers and duties of any officers within their area of responsibility in their absence or in consultation with them.

Assistant Director Resources

13. The Assistant Director Resources will have powers to carry out all legal action on behalf of any other officer in consultation with them or in their absence.

Officer Delegation

14. Any delegation to an officer includes authority for any further delegation within the relevant Area of Responsibility. Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

AREAS OF RESPONSIBILITY

Corporate Director – Place

Assistant Director	Responsibilities
Assistant Director Place, Policy and Regeneration	<ul style="list-style-type: none"> • Strategy, Commissioning, Service Planning and Performance for Place including Planning, Economy, Environment, Transport, Housing, Culture, Climate Change and Green Infrastructure • Public Transport • Parking • Project Enabling and Programme Management • External Funding • Development Management • Economic Development and Town Centre • Town Centre • Building Control • Emergency Planning • Regulatory Functions:- Public Protection, including Environmental Health, Licensing, Private Sector Housing Renewal and Trading Standards
Assistant Director Highways, Design and Projects	<ul style="list-style-type: none"> • Highways • Engineering • Building Design • Capital Projects • The carry out the functions of the Traffic Management Authority, the Highways Authority and the Street Lighting Authority
Assistant Director Community Services	<ul style="list-style-type: none"> • Cultural Services, including <ul style="list-style-type: none"> - Cultural Facilities Management - Events - Arts - Libraries - Museums - Sports Development - CCTV • Commercial Services, including <ul style="list-style-type: none"> - Catering - Markets - Business Development • Environmental Services, including <ul style="list-style-type: none"> - Street Scene - Winter Maintenance - Cemeteries and Crematorium - Enforcement - Waste Management - Arboriculture - Parks and Countryside

Assistant Director	Responsibilities
	<ul style="list-style-type: none"> • Building Cleaning • Schools and Adults Social Care Transport including Fleet Management
Assistant Director Building Services	<ul style="list-style-type: none"> • Building Repairs and Maintenance • Construction • Highways and Street Lighting Repairs • Surveying/Estimating • Purchasing • Woodburn Nursery • Facilities Management

Corporate Director – People

Assistant Director	Responsibilities
Non Assistant Director Post	Safeguarding
Assistant Director Housing and Adult Social Care	<ul style="list-style-type: none"> • Housing and Council Tax Benefits • Council Tax and Non-Domestic Rates • Council Housing • Housing Options • Tenancy Support • Asylum Seekers • Learning Disability • Mental Health • Physical Disabilities • Older People
Assistant Director Children, Families and Learning	<ul style="list-style-type: none"> • Referral, Assessment Planning and Review • Looked After and Adoption Services • Youth Offending Services • Anti Social Behaviour • Switch • Family Intervention • Prevention and Early Intervention • Targeted Services • Identification and Assessment • Placement/Admissions • Logistics/Place Planning • School Improvement • 14-19 • Virtual College • Adult/Workbased and Family Learning • Disabled Children • Special Needs
Assistant Director Development and Commissioning	<ul style="list-style-type: none"> • Supporting People • Older and Disabled People • Learning Disability Services • Mental Health Needs • Children Trust and Children’s Services • Drug and Alcohol Action Team • Adult and Children’s Transformation • Community Development • Health and Well Being • Equalities/Voluntary Sector • Community Safety Partnership
Assistant Director School Improvement (Temporary Post)	<ul style="list-style-type: none"> • Strategic Leadership – School Improvement • Developing Schools Capacity

Corporate Director – Resources

Assistant Director	Responsibilities
Head of ICT and Print and Design	<ul style="list-style-type: none"> • ICT (via Xentrall) • Print and Design (via Xentrall)
Assistant Director Finance	<ul style="list-style-type: none"> • Finance • Transactional Finance (via Xentrall) • Corporate Assurance
Assistant Director Transformation	<ul style="list-style-type: none"> • Transformation • Estates • Procurement
Assistant Director Resources	<ul style="list-style-type: none"> • Legal • Democratic • Elections • Registrars • Customer Services • Complaints and Freedom of Information (FOI) • Customer Insight • Web • Communications • Marketing
Assistant Director HRM	<ul style="list-style-type: none"> • HR Advisory • HR Policy and Strategy • Workforce Development • Transactional HR (via Xentrall) • Health and Safety

EXCEPTIONS – CONTRACTING

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)

Process	Strategic Procurement	EU Threshold*	Over £75,000*	Over £5,000*	Over £500*
*Contract value is over the whole contract and any extension provision not the annual spend					
Approval to tender	Cabinet	Cabinet through the Annual Procurement Plan	Cabinet through the Annual Procurement Plan	Budget Manager	Budget Manager
Key Terms and Conditions	Cabinet	Director	Head of Service	Service Manager	Service Manager
Approval of Specification	Cabinet through the Procurement Plan	Assistant Director	Head of Service	Service Manager	Service Manager
Award Criteria	Cabinet	Director and CPU	Assistant Director and CPU	Service Manager and CPU	Service Manager
Approval of Contract Documents	Legal Authorised Officer/CPU	Legal Authorised Officer and CPU	Legal Authorised Officer and CPU	Service Manager	Service Manager
Short listing suppliers	Cabinet	Assistant Director and CPU	Assistant Director and CPU	Service Manager	Service Manager
Receipt of tenders and quotations	Legal Authorised officer	Legal Authorised officer	Legal Authorised officer	Head of Service	Head of Service
Contract Award in accordance with CPR (except theatre and arts)	Cabinet	Cabinet (unless on the Annual Procurement Plan)	Cabinet (unless on the Annual Procurement Plan)	Budget Authorised Officer	Budget Authorised Officer
Contract Award in accordance with CPR Theatre and Arts	N/A	N/A	Head of Service	Budget Authorised Officer	Budget Authorised Officer
Waive Contract Procedure Rules	Council	Council	Council	Director in accordance with CPR	Director in accordance with CPR

Process	Strategic Procurement	EU Threshold*	Over £75,000*	Over £5,000*	Over £500*
Apply an exemption to tendering requirements in an emergency	N/A	N/A	Director in accordance with CPR	Director in accordance with CPR	Director in accordance with CPR
Apply an exemption – use of negotiated procedure	Assistant Director Resources and CPU	Assistant Director Resources and CPU	Assistant Director Resources and CPU	N/A	N/A
Draw up approved lists	N/A	N/A	Director in accordance with CPR	Director in accordance with CPR	Director in accordance with CPR
Signature (except Theatre and Arts)	Seal/Legal Authorised Officer	Seal/Legal Authorised Officer	Seal/Legal Authorised Officer	Sign/Budget Authorised Officer	Sign/Budget Authorised Officer
Signature Theatre and Arts	N/A	Budget Authorised Officer	Budget Authorised Officer	Budget Authorised Officer	Budget Authorised Officer
Non recovery of liquidated damages/settlement of formal claims	Legal Authorised Officer up to £50,000 per claim	Legal Authorised Officer up to £50,000 per claim	Legal Authorised Officer up to £50,000 per claim	Legal Authorised Officer up to £50,000 per claim	Legal Authorised Officer up to £50,000 per claim
Extension of Fixed Term Contracts	Cabinet	Cabinet	Cabinet	Service Manager/ CPU	N/A
Bidding for External Contracts	N/A	Director and Legal Authorised Officer	Director and Legal Authorised Officer	Assistant Director	Head of Service

EXCEPTIONS - PROPERTY

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)

Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
Disposal and Acquisition of Land				
Asset Management Plan	Management of the Plan – Director of Resources	Approval of the Plan		
Terms for any acquisition, disposal, sale of land and buildings	Negotiate subject to approval and Council policy.	Approval in accordance with Council policy and within existing budgets	Final approval where costs exceed MTFP-C	
Acquisition of land	Director of Resources up to £10,000 for strategic purposes or in accordance with approved schemes eg Highways	Over £10,000 within budgets and outside approved schemes	Final approval where costs exceed MTFP-C	
Dispose of land	With a value up to £10,000 where the land is not held for strategic purposes	With a value over £10,000 or where the land is held for strategic purposes		
Completion of documentation for the acquisition and disposal of property	Assistant Director Resources			
Declaring property surplus to operational requirements	Director of Resources to prepare report for Cabinet	Approval Required		
External Consents to Disposal	Director of Resources and for School Playing fields Director of People			

Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
Disposal Consent	Where value is achieved Director of Resources	Where under value is applicable and consent order applies or is under £2m	N/A	Where under value is more than £2 million unless the consent order
Receipt, retention, opening and acceptance of offers and tenders for land	Director of Resources in accordance with the Property Procedure Rules			
Leases, licenses etc				
Grant leases and accept licenses, easements and wayleaves	Director of Resources where favourable to the Council	Where not commercially favourable to the Council within existing budgets		
Agree terms for any lease or licence of land and buildings	Director of Resources	Approval within existing budgets		
Assignment of leases and sub-letting of leases	Director of Resources			
Vary lease and sale terms including rentals and grant retrospective consents	Director of Resources where favourable to the Council	Where not commercially favourable to the Council		
Renew Protected tenancies under the Landlord and Tenant Act 1954	Director of Resources where favourable to the interests of the Council	Where terms are not commercially favourable to the Council		
Serve notices to quit and any other notices and formal demands	Assistant Director Resources			
Other Property Matters				
Disposal of property under the Housing Acts in relation to Housing stock and former council dwellings	Director of Resources			

Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
Right to Buy Property Valuation	Director of Resources			
Property transactions under the Housing Acts other than disposal in relation Housing stock and former council dwellings	Assistant Director Housing and Adult Social Care			
Property transactions related to the covered market	Director of Place Subject to satisfactory references	Where references are not satisfactory		
Property transactions related to allotments	Director of Place			
Administer the sale or demolition of council garages	Assistant Director Housing and Adult Social Care			
Make applications in respect of council owned land	Director of Resources			
Incur capital expenditure on repairs to non-housing property	Director of Resources within the approved budget	For expenditure outside the approved budget	Final approval for expenditure outside MTFP - C	
Approve changes of use	Director of Resources where planning permission has previously been granted or the use has deemed consent under the Use Classes Order		Through Planning Committee where consent is not provided by the Order	
Release, relax or vary restrictive and positive covenants on land or property	Director of Resources			

Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
Land Compensation Act Claims	Negotiate claims arising from Part 1 – Director of Resources Take action to achieve a settle in cases of dispute in relation to Part 1 claims – Assistant Director Resources			
Naming and numbering of Streets	Assistant Director Highways, Design and Projects			
Settle claims of adverse possession and prescriptive easements by transfer of title	Assistant Director Resources			
Signature of all documents, attesting of seal for deeds necessary to give affect to any decision of the Council	Assistant Director Resources			
Actions in accordance with the Property Procedure Rules in cases of emergency	Director of Resources			

EXCEPTIONS - FINANCE

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)

	Outside Departmental Resource Allocations	Over £100,000	Up to £100,000	Up to £50,000	Up to £10,000	Up to £1,000	Up to £500
Capital Expenditure							
In the event of a civil emergency incur revenue and capital expenditure outside existing budgets		Chief Executive	Chief Executive	Chief Executive	Chief Executive	Assistant Director	Assistant Director
Capital Expenditure under the Prudential Code	Where annual financing costs are outside resource allocations Cabinet/ Council	Cabinet	Director in consultation with the Director of Resources	Director in consultation with the Director of Resources	Director in consultation with the Director of Resources	Director in consultation with the Director of Resources	Director in consultation with the Director of Resources
Capital Spending under the Prudential Code for assets which could otherwise be acquired under operating leases		Director in consultation with the Director of Resources	Director in consultation with the Director of Resources	Director in consultation with the Director of Resources	Director in consultation with the Director of Resources	Director in consultation with the Director of Resources	Director in consultation with the Director of Resources
Authorise Feasibility Works	Cabinet	Cabinet	Cabinet	Cabinet	Director	Director	Director
Vary Capital Expenditure on Schemes		Cabinet (or over 10% of the total cost of the scheme)	Director (or within 10% of scheme – whichever is the lower)				

	Outside Departmental Resource Allocations	Over £100,000	Up to £100,000	Up to £50,000	Up to £10,000	Up to £1,000	Up to £500
Sanction additional spending on Capital above approved budget on urgent items or where there will be a cost benefit		Cabinet	Cabinet	Chief Executive and Director of Resources	Chief Executive and Director of Resources	Chief Executive and Director of Resources	Chief Executive and Director of Resources
Approve capital expenditure in any one financial year for projects expected to have a net financial saving and where specific funding is in place	Cabinet over £250,000	Up to £250,000 where projects are expected to have a net financial saving and funding is in place Director of Resources	where projects are expected to have a net financial saving and funding is in place Director of Resources	where projects are expected to have a net financial saving and funding is in place Director of Resources	where projects are expected to have a net financial saving and funding is in place Director of Resources	where projects are expected to have a net financial saving and funding is in place Director of Resources	where projects are expected to have a net financial saving and funding is in place Director of Resources
Revenue							
Manage Budgets within total allocated to them by Council		Director	Director	Director	Director	Director	Director
Increase in Departmental Revenue Resources		Cabinet	Cabinet	Cabinet	Cabinet	Cabinet	Cabinet
Other							
Ex gratia Payments			Cabinet	Cabinet	Cabinet	Director	Director
Write off Debts	N/A	Cabinet	Cabinet	Cabinet	Cabinet	Cabinet	Director of Resources in relation to Car Parking Director of Place

	Outside Departmental Resource Allocations	Over £100,000	Up to £100,000	Up to £50,000	Up to £10,000	Up to £1,000	Up to £500
Negotiate and raise loans to the Council	N/A	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources
Submit bids for funding to the relevant body where the deadline occurs prior to the next meeting Cabinet	N/A	Director of Resources	Assistant Director	Assistant Director	Assistant Director	Assistant Director	Assistant Director
To agree conditions, approve and sign agreements in relation to grant funding to be received by the Council	N/A	Director of Resources	Assistant Director	Assistant Director	Assistant Director	Assistant Director	
Write off any surplus or deficiencies in respect of any one item of stock	N/A	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources
Negotiate and manage leasing arrangements	N/A	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Assistant Director	Assistant Director
Invest any temporary surplus of monies until such monies are required	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources
Sign all cheques on behalf of the Council (in facsimile)	N/A	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources
Effect all necessary insurances	N/A	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources
Settle all insurance claims	N/A	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources
To vary the scale of fees and charges within year to reflect market conditions	N/A	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources	Director of Resources

	Outside Departmental Resource Allocations	Over £100,000	Up to £100,000	Up to £50,000	Up to £10,000	Up to £1,000	Up to £500
To determine charges for Building Regulations in accordance with the scheme and regulations	N/A	Director of Place	Director of Place	Director of Place	Director of Place	Director of Place	Director of Place
To determine inter-authority charges in relation to Adult Social Care subject to them being not less than the standard charges		Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care
To determine pavement café fees	N/A	Director of Place	Director of Place	Director of Place	Director of Place	Director of Place	Director of Place
Operate the Civic Theatre and the Arts Centre on a trading account basis	Cabinet	Director of Place	Director of Place	Director of Place	Director of Place	Director of Place	Director of Place
Provide grants and make charges for services provided to Resident Groups recognised by and working in partnership with the Council	Cabinet	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care	Assistant Director Housing and Adult Social Care

EXCEPTIONS - STAFF AND EMPLOYMENT

	Officer Delegation	Statutory Executive Member Consultation	Member Decision	Council Decision
NB This element of the scheme is dictated by 2 LGHA 1989 and the Standing Orders Regulations				
The appointment of the Chief Executive	Cannot be delegated to officers	Yes through the Assistant Director Resources	Yes must be made by Full Council	On recommendation from the Human Resources Committee
The appointment of Chief Officers (Directors)	Where the Council proposes to appoint a Chief Officer exclusively from among the existing Officers	Yes through the Assistant Director Resources	Human Resources Chief Officer Appointments Panel	Can be decided by Council
The appointment of Deputy Chief Officers (Assistant Directors)	Can be but has not been delegated to officers	Yes through the Assistant Director Resources	Human Resources Panel	Can be decided by Council
Appointment below Deputy Chief Officer (DCO)	Yes	Members cannot be involved in the appointments below DCO	Members cannot be involved in the appointments below DCO	Members cannot be involved in the appointments below DCO
The dismissal of the Chief Executive (as Head of Paid Service),	Cannot be delegated to officers	Yes	An independent report must be prepared before a decision can be made	Special Meeting of Council must be convened
Dismissal of the s151 Officer (Director Resources) and the Monitoring Officer (Assistant Director Resources)	No	Yes through the Assistant Director Resources	Human Resources Chief Officer Appointment Panel An independent report must be prepared before a decision can be made	Can be taken by full council
The dismissal of Chief Officers	Chief Executive	Yes through the Assistant Director Resources	Human Resources Chief Officer Appointment Panel	Can be taken by full council
Dismissal of Deputy Chief Officers	Directors	Yes through the Assistant Director Resources	Human Resources Panel	Can be taken by full council

	Officer Delegation	Statutory Executive Member Consultation	Member Decision	Council Decision
Dismissal by way of redundancy or voluntary redundancy for Chief Officers and Deputy Chief Officers	Yes	Yes through the Assistant Director Resources	Can be taken by members but is currently delegated to officers	Can be taken by members but is currently delegated to officers
Dismissal of staff below Deputy Chief Officer	Yes	No	Members cannot be involved in the dismissal below DCO (other than as an appeals panel)	Members cannot be involved in the dismissal below DCO (other than as an appeals panel)
Determine Appeals against final written warnings	Chief Executive			
Issue HR 1 notices in respect of potential redundancies	Director of Resources			
Implement immediate action to ensure the safety of staff up to £1,000 from the existing revenue budget	Directors			
To carry out powers and duties under the Health and Safety at Work etc Act	As an employer – All Directors and Director of Resources Otherwise than as an employer – Director of Place			
Issue ‘certificates of opinion’ as to whether or not the duties of a post fall within the criteria of political sensitivity;	Assistant Director Resources			

EXCEPTIONS - LEGAL EXCEPTIONS

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)

	Officer	Planning Committee	Licensing Committee	Cabinet
Determine all applications made under powers and duties of the local planning authority and planning legislation	<p>except where the decision would be contrary to any of the following:-</p> <ul style="list-style-type: none"> a) any development plan in force; b) any other approved policies of the Council; or c) the recommendation of a consultee; <p>or where the following circumstances are met:-</p> <ul style="list-style-type: none"> a) where it is proposed to grant permission when more than 2 objections are received from Members of the public resident in different properties; b) where it is proposed to refuse permission when more than 2 letters of support are received from Members of the public resident in different properties; or c) where a Member requests that an application be determined by the Planning Applications Committee; <p>any such determination where it is proposed to grant permission when one or two objections are received or to refuse permission when one or two letters of support are received from members of the public resident in different properties, to be subject to consultation with Chair or Vice-Chair of Planning Committee.</p>	Determine applications not delegated to officers		

	Officer	Planning Committee	Licensing Committee	Cabinet
	- Assistant Director Place, Policy and Regeneration			
Determine minor amendments to approved plans where these do not materially alter the form of the approved development	Assistant Director Place, Policy and Regeneration			
All powers and functions of the Authority in respect hackney carriage and private hire licensing matters	Except where: an applicant has relevant convictions/cautions or a current licence holder is similarly convicted/cautioned and/or where an applicant for, or the current holder of a Hackney Carriage/Private Hire drivers licence has nine or more points on their DVLA driving licence Assistant Director Place, Policy and Regeneration		In all other cases where it is appropriate	
Make applications to the Court of Protection for Receivership Orders in relation to clients lacking mental capacity to carry out their financial affairs	Assistant Director Housing and Adult Social Care			
Apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs	Assistant Director Housing and Adult Social Care			
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	Assistant Director Housing and Adult Social Care			

	Officer	Planning Committee	Licensing Committee	Cabinet
Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non-Domestic Rates	Assistant Director Housing and Adult Social Care			
Defend and/or settle all claims made against the Council up to £50,000	Assistant Director Resources			Over £50,000
Institute criminal proceedings in respect of offences against any legislation (including byelaws) which the Council is allowed to enforce, or which any of the Queen's subjects may prosecute; and offences of common assault on behalf of an employee, if so required	Assistant Director Resources			
Take all necessary action to defend all criminal proceedings brought against the Council	Assistant Director Resources			
issue proceedings, prosecute, make orders or take other steps as necessary in relation to any legislation when instructed by the officer with the relevant area of responsibility	Assistant Director Resources			
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	Assistant Director Resources			

	Officer	Planning Committee	Licensing Committee	Cabinet
Appoint Education Appeal Panel members, in accordance with the provisions of the Education (Admission Appeals Arrangements) (England) (Regulations 2002), as amended, such appointments to last for a period of three years then membership be re-assessed and re-appointments made as appropriate	Assistant Director Resources			
Under the Road Traffic Regulation Act 1984 to make any orders for the regulation of traffic	Assistant Director Highways, Design and Projects UNLESS any objections are received			Where objections are received
Exceptions in relation to specific Projects				
In relation to the Tees Valley Bus Network	Addition, deletion or modification of schemes for Darlington each year subject to the overall benefits in the business case being maintained - Director of Place			
In relation to the Local Transport Plan	Variation of schemes and programme – Director of Place			

Prosecuting Acts

This scheme delegates to relevant officers powers to prosecute and take enforcement action under all common law powers and all legislation in the areas of their responsibility. For the avoidance of doubt this includes (but is not limited to) the legislation listed below. It also includes all future, replacement and amending legislation and any Orders or Regulations under that legislation or having effect by virtue of the European Communities Act 1972 in the areas of responsibility. Offences includes any offence under any legislation, or at common law, which is of a similar nature including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts.

Planning

- Hedgerow Regulations 1997
- Listed Buildings and Conservation Act 1990
- Town and Country Planning Act 1990
- Town and Country Planning Control of Advertisement Regulations 1992

Building Control

- Building Act 1984

Environmental Health

- Animal Boarding Establishments Act 1963
- Animal Health Act 1981
- Animal Health and Welfare Act 1984
- Breeding of Dogs Act 1973 and 1991
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Clean Air Act 1956, 1968 and 1993
- Control of Pollution Act 1974
- Criminal Justice and Public Order Act 1994
- Dangerous Wild Animals Act 1976
- Environment Act 1995
- Environmental Protection Act 1990
- European Communities Act 1972
- Food and Environmental Protection Act 1985
- Food Safety Act 1990
- Guard Dogs Act 1975
- Health and Safety At Work Act 1974
- Housing Act 1985, 1988 and 2004
- Hypnotism Act 1952
- Licensing Act 2003
- Local Government and Housing Act 1989
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Noise and Statutory Nuisance Act 1993
- Offices, Shops and Railway Premises Act 1963
- Pet Animals Act 1951

- Prevention of Damage by Pests Act 1949
- Public Health Act 1936
- Public Health Act 1961
- Public Health (Control of Disease) Act 1984
- Rag Flock and Other Filling Materials Act 1951
- Riding Establishments Acts 1964 and 1970
- Sunday Trading Act 1994
- Theatres Act 1968
- Water Act 1989
- Zoo Licensing Act 1981

Housing Benefits

- Fraud Act 2006
- Social Security Administration Act 1992

Car Parking

- Road Traffic Act 1984
- Road Traffic Regulation Act 1984
- Traffic Management Act 2004

Highways

- Highways Act 1980
- New Roads and Street Works Act 1991

Street Scene Enforcement

- Animal Health Act 1981
- Animal Welfare Act 2006
- Byelaws in respect of Dogs Bans in Cemeteries 1993
- Byelaws in respect of Good Rule and Government (Vehicles on Open Land) 1989
- Clean Neighbourhoods and Environment Act 2005
- Control of Pollution (Amendment) Act 1989
- Criminal Damage Act 1971
- Environment Act 1995
- Environmental Protection Act 1990
- Health Act 2006
- Police Reform Act 2002
- Refuse Disposal (Amenity) Act 1978
- The Dogs Exclusion (Darlington) Order 2010
- The Dogs on Leads by Direction (Darlington) Order 2010
- The Dogs on Leads (Darlington) Order 2010
- The Fouling of Land by Dogs (Darlington) Order 2010

Education

- Education Act 1996

Taxi Licensing

- Byelaws relating to Hackney Carriages 1990
- Town Police Clauses Act 1847

Other Licensing

- Licensing Act 2003
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government (Miscellaneous Provisions) Act 1987
- Road Traffic Act 1988

Trading Standards

- Agriculture Act 1970
- Animal Health Act 1981
- Animal Welfare Act 2006
- Children and Young Persons Act 1933
- Consumer Credit Act 1974
- Consumer Protection Act 1987
- Copyright, Design and Patent Act 1988
- Enterprise Act 1979
- European Communities Act 1972
- Explosives Acts 1875 to 1976
- Fireworks Acts 2003
- General Product Safety Regulations 1994 & 2005
- Hallmarking Act 1973
- Health and Safety at Work Act 1974
- Licensing Act 2003
- Package Travel, Package Holidays and Package Tours Regulations 1992
- Property Misdescriptions Act 1991
- Road Traffic Act 1991
- Tobacco Advertising and Promotions Act 2002
- Trade Descriptions Act 1968
- Trade Marks Act 1994
- Video Recordings Act 2010
- Weights and Measures Act 1985

Local Taxation

- Local Government Finance Act 1988
- Local Government Finance Act 1992

The Statutory and Proper Officers

Statutory Officers

Legislation	Function	Proper Officer
Section 4(1) Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5(1) Local Government and Housing Act 1989	Monitoring Officer	Assistant Director Resources
Section 151 Local Government Act 1972	Chief Finance Officer	Director of Resources
Section 35 Representation of the People Act 1983	Returning Officer	Chief Executive
Section 8 Representation of the People Act 1983	Electoral Registration Officer	Assistant Director Resources
Section 6(1) Local Authority Social Services Act 1970	Director of Adult Social Services	Director of People
Section 18 Children Act 2004	Director of Children's Services	Director of People
Section 72(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Director of Place Appointee
Section 31 of the Local Authority Economic Development and Construction Act 2009	Scrutiny Officer	Director Resources Appointee

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

Legislation	Function	Proper Officer
Local Government Act 1972		
Section 83(1) to (4)	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.	Assistant Director Resources
Section 84(1)	States that written notice of resignation must be given by councillors to the proper officer.	Assistant Director Resources
Section 88(2)	Gives the proper officer power to convene a meeting for purpose of filling casual vacancy in case of Chairman of the Council.	Assistant Director Resources
Section 89(1)(b)	Makes provision for the proper officer to accept notice in writing of the casual vacancy occurring in the office of councillor.	Assistant Director Resources
Section 100(a) to (h) (excluding (f))	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.	Assistant Director Resources
Section 100(f)	Provides that the proper officer is to deal with additional rights of access to documents for members of principal councils.	Chief Executive

Legislation	Function	Proper Officer
Section 115	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 Resources
Section 137(a)	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 Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum.	Director of Resources
Section 146	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.	Director of Resources
Section 191(2)	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.	Director of Place
Section 210(6) and (7)	Appoints the proper officer to be vested with certain powers in respect of charities.	Chief Executive
Section 225	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.	Assistant Director Resources
Section 229(5)	Provides that the proper officer must certify any photographic copies of documents.	Assistant Director Resources
Section 234(1)	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.	Assistant Director Resources
Section 238	Provides that printed copies of bylaws are endorsed with a certificate signed by the proper officer.	Assistant Director Resources
Section 248	Provides that the proper officer must keep the roll of freemen of the town.	Assistant Director Resources

Legislation	Function	Proper Officer
Schedule 12, Section 99	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.	Assistant Director Resources
Schedule 14 (Section 180)	Provides that the proper officer has to certify true copies of resolutions under the Public Health Acts 1875 to 1925.	Assistant Director Resources
Schedule 29 Section 41	Proper Officer for Births, Marriages and Deaths	Assistant Director Resources
Local Government Act 1974		
Section 30	Provides that the proper officer must give public notice of the ombudsman's reports.	Assistant Director Resources
Local Government (Miscellaneous Provisions) Act 1976		
Section 41(1)	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.	Assistant Director Resources
Local Land Charges Act 1975		
Section 3	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".	Assistant Director Resources
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial.	Assistant Director Resources
Representation of the People Act 1983		
Section 67 (7)(b)	Receipt of notice of an election agent for local elections.	Assistant Director Resources
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection.	Assistant Director Resources

Legislation	Function	Proper Officer
Section 128	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.	Assistant Director Resources
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.	Chief Executive
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups.	Assistant Director Resources
Local Government Finance Act 1988		
Section 116	Provides that the proper officer must give the authority's auditor notice of meetings held under S115.	Director of Resources
Schedule 4		
Section (10)(1) Paragraphs 6 - 8	Where notice has to be served on the Council concerning the acquisition of wayleaves over Council-owned land.	Director of Place
Section 10(1) Paragraph 9	Where notice has to be served on the Council concerning the felling and lopping of trees etc.	Director of Place
Schedule 8		
Section 36 (8) Paragraph 1	Where applications have to be made for consent to construct generating stations on Council-owned land.	Director of Place
Section 36(8) Paragraph 2	Where applications for consent have to be served on the local planning authority	Director of Place
Local Government and Housing Act 1989		

Legislation	Function	Proper Officer
Section 2(4)	Provides that a local authority must deposit and keep up to date a list of politically restricted posts with the proper officer.	Director of Resources
Highways Act 1980		
	These provisions fall within the terms of the agreement with Darlington Borough 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.	Assistant Director Highways, Design and Projects
Section 37	Provides that a certificate issued under subsection (3) or an order made under subsection (4) shall be deposited with the proper officer.	Assistant Director Highways, Design and Projects
Section 295	Gives power to remove certain materials from highways after proper officer has given notice.	Assistant Director Highways, Design and Projects
Schedule 9 and Sections 73 and 74	Provide that the proper officer shall sign the plan showing the building or improvement line for widening of streets.	Assistant Director Highways, Design and Projects
Building Act 1984		
Section 61	Provides that the proper officer or any other authorised officer to be given free access to works of repairs to an underground drain.	Assistant Director Place, Policy and Regeneration (in relation to commercial property)
Section 61	Provides that the proper officer or any other authorised officer to be given free access to works of repairs to an underground drain.	Assistant Director Housing and Adult Social Care (in relation to private landlords)
Section 78(8)	Provides that the proper officer may as an officer of the local authority exercise powers under subsection (1) to take action with regard to a dangerous building.	Assistant Director Place, Policy and Regeneration (in relation to commercial property)
Section 93	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.	Assistant Director Place, Policy and Regeneration (in relation to commercial property)
Public Health (Control of Diseases) Act 1984 as amended by Health and Social Care Act 2008		

Legislation	Function	Proper Officer
Section 48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	Director of Place appointee
Section 61	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act.	Director of Place appointee
The Health Protection (Notification) Regulations 2010		
Regulations 2, 3, and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	Director of Place appointee
The Public Health (Aircraft Regulations) 2079 (as amended)		
Regulations 7, 8, 9, 14, 18, 20, 21 and 22	Prevent the spread of infection associated with air travel	Director of Place appointee
Housing Act 1985		
Part XVII	Reports to local authority about unfit housing.	Assistant Director Housing and Adult Social Care
Section 19(1)	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 Resources
Food Safety Act 1990		
Section 49(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.	Assistant Director Place, Policy and Regeneration

Legislation	Function	Proper Officer
Local Authorities (Standing Orders)(England) Regulations 2001		
	Office who will given written notice of appointment or dismissal of officers listed in Schedule 1, Part II, paragraph 3	Assistant Director Resources
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation.	Assistant Director Resources
Health Act 2006		
Section 10(3)	“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.”	Director of Place Appointee
Section 10(5)	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.	Director of Place Appointee
Section 10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Director of Place Appointee
Section 10(9)(1)	“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”.	Director of Place Appointee
Smoke-free (Premises and Enforcement) Regulations 2006		
Regulation 3	To carry out the functions an enforcement authority under Regulation 3.	Assistant Director Place, Policy and Regeneration
Housing Act 2004		

Legislation	Function	Proper Officer
	For all purposes of the Housing Act 2004.	Assistant Director Housing and Adult Social Care
	Chief Inspector of Weights and Measures under Section 72 of the Weights and Measures Act 1985	Trading Standards Manager
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	Director of Resources