

Schedule 4

Scheme of Delegation to Officers

1. The Scheme:
 - Introduction
 - Member Consultation
 - Reservations
 - Restrictions
 - Permissions
2. Areas of Responsibility
3. Exceptions:
 - Contractual and Property
 - Financial
 - Employee and Staff Management
 - Legal Action and Prosecuting Acts
4. Statutory Officer and Proper Officer Powers

INTRODUCTIONS AND PERMISSIONS SCHEME

Introduction

1. The most important decisions will be taken by Members, but on a day-to-day basis many decisions will need to be made by Officers under delegated powers. This scheme of delegation is to be interpreted widely to enable 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 Councillors are consulted or advised of the exercise of delegated powers; and
 - (d) Ensure that the Chief Executive, the Executive Director Resources and Governance and the Assistant Director Law and Governance 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 matter expressly withdrawn from delegation by the Council, the Executive, the Planning Applications Committee and the Licensing Committee.

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 all 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, process and determine all decisions relating to neighbourhood planning under the Localism Act 2011, 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 and in relation to land relevant to service functions to note applications for licences, planning, consents and approvals, 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, Assistant Directors and Heads of Service, as 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 Law and Governance

13. The Assistant Director Law and Governance 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.

Written Records and Publicity

15. An Officer making a decision under delegation, will need to publish a written record of :-
 - (a) Any decision which is sufficiently important or sensitive that the public would expect that decision to have been taken by an Elected-Member decision-making body, such as Cabinet rather than an Officer using delegated powers;
 - (b) Any decision which:-
 - (i) Is a specific express rather than general delegation;
 - (ii) Grants a permission or licence;
 - (iii) Affects the right of an individual; or
 - (iv) Awards a contract, or incurs expenditure which, in either case, materially affects the Council's financial position.
16. If a written record of a decision is required, it must be completed as soon as is reasonably practicable after the decision has been made. The decision must be publically available for inspection and posted on the Council's website (together with any background papers). The decision record must include, the date of the decision, the reasons, details of any alternative options considered and rejected and details of any conflict of interest declared (for instance of a Cabinet Member who may have been consulted).
17. A pro-forma decision record is available for use.

AREAS OF RESPONSIBILITY

Director	Responsibilities
Economy and Public Protection	<ul style="list-style-type: none"> • Asset Management • Building Control • Business Investment • Development Management • Environmental Health • Planning Policy • Local Plan Policy Development • Built and Natural Environment • Economic Strategy and TVCA Liaison • PESAG (Public Events Safety Advisory Group) • Licensing • Private Sector Housing • Trading Standards • Emergency Contingencies • Towns Fund

Executive Director Resources and Governance (Chief Finance Officer/S.151 Officer)

Assistant Director	Responsibilities
Assistant Director Resources	<ul style="list-style-type: none"> • Financial Management across the Council • Central Finance for Closure of Accounts, MTFP preparation, Financial Reporting, Corporate Revenue and Capital Budgets, Leasing and Financial Advice • Financial Assessments and Financial Protection • Internal Audit • VAT, insurance and Treasury Management • HR Advisory Services • Health, Safety and Wellbeing • HR Strategy and Development, Employment Policies, Equal Pay and Pensions • Transactional Finance and HR (via Xentrall)
Assistant Director Law and Governance	<ul style="list-style-type: none"> • Chief Legal Officer and Monitoring Officer • Legal work (including litigation) in all areas of local government powers, functions and competencies

	<ul style="list-style-type: none"> • Local Land Charges • Corporate Procurement • Democratic Services • Elections and Electoral Registration • Registration Service • Information Governance, Complaints and Risk Management • Coroner Service (with Durham County Council) • Postal Services • PA Service
Assistant Director (Housing and Revenues)	<ul style="list-style-type: none"> • Housing Options, Homelessness and Housing Advice and Council Housing Allocations • Council Housing management, including day-to-day tenancy management, tenancy enforcement, income management, Housing Plus service and tenancy sustainment • Council housing repairs and maintenance, building surveying and capital schemes • Council housing compliance, asset management, complaints, performance, energy efficiency schemes and ICT administration • Lifeline services, sheltered schemes and extra care schemes • Refugee support • Administration of Housing Benefit, Discretionary Housing Payments, Council Tax Reduction Schemes, Council Tax Collection and Business Rates • Customer Services
Head of Strategy, Performance and Communications	<ul style="list-style-type: none"> • Council Plan • Corporate Communications and marketing • Equality and Inclusion • Corporate Strategy and policy • Corporate Performance

	<ul style="list-style-type: none"> • Corporate systems development, support and processes • Corporate web development and content
Assistant Director Xentrall Shared Services	<ul style="list-style-type: none"> • ICT • Print and Design • Payroll • Transactional HR • Transactional Finance

Executive Director Environment, Highways and Community Services

Assistant Director	Responsibilities
Assistant Director Highways and Capital Projects	<ul style="list-style-type: none"> • Delivery of Highways Construction and Maintenance Programme • Highways Maintenance Projects, Transport, Planning and Asset Management • Bridges and Highway Structures, Private Street Works, Street Works, Highway Inspections/Insurance Claims, Asset Management, Street Lighting and Traffic Signals • Highway Network Management, Highway Development, Intelligent Transport System, Traffic Data Collection, Casualty Reduction Analysis, Traffic Management Projects, Highways Technical Support, School Crossing Patrol, Highway/Transport Design and Road Safety Education, Sustainable Transport and Rights of Way • Capital Project Management, Capital Process Methodology, Capital Projects Technical Support and Advice, Architectural Consultancy, Building Services Consultancy, Framework Consultancy Commissions, Cost Consultancy Services and Estimating and Tendering, Investment and Funding • Project/Programme Management and Development • Flood Risk Management

Assistant Director	Responsibilities
Assistant Director Environmental Services and Community Safety	<ul style="list-style-type: none"> • Street Scene, Crematorium and Cemeteries, Arboriculture, Countryside, Allotments, Parks and Open Spaces and Play Area Ranger Service/Friends Groups, Waste Management, Fleet Management and Maintenance, Winter Maintenance Call Out, Environmental Campaigns, Nursery and Building Cleaning • Library, Dolphin Centre, Eastbourne Sports Complex, Head of Steam, Hippodrome and Theatre Hullabaloo, Events and Programming, Sports and Physical Activity Programme, Schools and Community Catering • Community Safety and Town Centre Management • Council Building Services • Rail Heritage • 2025

Executive Director People

Assistant Director	Responsibilities
Assistant Director Adult Social Care	<p>Social Work Teams (Assessment and Review through First Point of Contact Team, On-going and Complex Care Team):-</p> <ul style="list-style-type: none"> • Adults – 18 to 64 years, including Mental Health • Older People – 65 years including Older People's Mental Health • Approved Mental Health Practitioners • Occupational Therapy • Life Stages Service • Mental Capacity Act/Deprivation of Liberty Safeguards • Day Services • Supported Living Services • Reablement Services • Learning Disability Provider Services
Assistant Director Children's Services	<ul style="list-style-type: none"> • Social Work Teams (covering Children in Need, Child Protection, Looked After Children and Care Leavers):- • Children's Access Point • First Response Team • Safeguarding and Assessment Teams

	<ul style="list-style-type: none"> • Looked After Through Care Team, including Leaving Care • Independent Reviewing Service • Fostering and Adoption Team, including Family Placement Services • Quality Assurance • Integrated Early Help Teams, including Troubled Families • Children's Residential and Short Stay Homes • Youth Offending Services • Children and Adults Safeguarding Business Unit • Local Authority Designated Officer
Assistant Director Commissioning, Performance and Transformation	<ul style="list-style-type: none"> • Commissioning and Contract Management across Children's Services and Adults • Transformation Projects across Children's, Adults, Education and Public Health Services • Partnerships and Third Sector Relationships • Better Care Fund and Improved Better Care Fund (BCF/iBCF) • Business Support Service • Social Fund
Assistant Director (Education and Inclusion)	<ul style="list-style-type: none"> • SEN Assessment and Provision • Education Psychology Service • Education Safeguarding • Virtual School Head – Looked After Children Education • Inclusion • Admissions and Transport • School Place Planning: including Special, Out of Area • Early Years Foundation Stage – Quality and Provision • 11-19 Partnership and associated Groups • Learning and Skills Services • Collective Worship/SACRE • Educational Attainment through whole system partnerships • School Liaison • Ofsted and Regional Schools Commissioner

	Liaison/Relationships
Director of Public Health	<ul style="list-style-type: none">• Public health functions which are the responsibility of the Council under the Health and Social Care Act 2012 and such other public health functions as may be prescribed.• Health improvement• Health protection• Population healthcare public health• Performance Management – Children’s Social Care, Education and Public Health Services

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 £100,000*	Over £10,000	Up to £10,000
*Contract value is over the whole contract and any extension provision not the annual spend					
Approval to tender	Cabinet through the Annual Procurement Plan	Cabinet through the Annual Procurement Plan	Cabinet through the Annual Procurement Plan	Budget Manager	Budget Manager
Key Terms and Conditions	Cabinet and the Procurement Board through the Annual Procurement Plan	Director	Head of Service	Service Manager	Service Manager
Approval of Specification	Cabinet and the Procurement Board through the Annual Procurement Plan	Assistant Director	Head of Service	Service Manager	Service Manager
Award Criteria	Cabinet and the Procurement Board through the Annual Procurement Plan	Director and Corporate Procurement Strategy	Assistant Director and Corporate Procurement Strategy	Service Manager and Corporate Procurement Strategy	Service Manager
Approval of Contract Documents	Legal Authorised Officer/Corporate Procurement Strategy	Legal Authorised Officer and Corporate Procurement Strategy	Legal Authorised Officer and Corporate Procurement Strategy	Service Manager	Service Manager
Short listing suppliers	Cabinet and the Procurement Board through the Annual Procurement Plan	Assistant Director and Corporate Procurement Strategy	Assistant Director and Corporate Procurement Strategy	Service Manager	Service Manager
Receipt of tenders and quotations	Legal Authorised Officer	Legal Authorised officer	Legal Authorised officer	Head of Service	Head of Service

Process	Strategic Procurement	EU Threshold*	Over £100,000*	Over £10,000	Up to £10,000
Contract Award in accordance with Contract Procedure Rules (except theatre and arts)	Cabinet and the Procurement Board through the Annual Procurement Plan	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	The Procurement Board in accordance with Contract Procedure Rules	N/A	The Procurement Board in accordance with Contract Procedure Rules	Director in accordance with Contract Procedure Rules	Director in accordance with Contract Procedure Rules
Apply an exemption to tendering requirements in an emergency	N/A	N/A	Director in accordance with Contract Procedure Rules	Director in accordance with Contract Procedure Rules	Director in accordance with Contract Procedure Rules
Apply an exemption – use of negotiated procedure	Assistant Director Law and Governance and Corporate Procurement Strategy	Assistant Director Law and Governance and Corporate Procurement Strategy	Assistant Director Law and Governance and Corporate Procurement Strategy	N/A	N/A
Draw up approved lists	N/A	N/A	Director in accordance with Contract Procedure Rules	Director in accordance with Contract Procedure Rules	Director in accordance with Contract Procedure Rules
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 £100,000 per claim	Legal Authorised Officer up to £100,000 per claim	Legal Authorised Officer up to £100,000 per claim	Legal Authorised Officer up to £100,000 per claim	Legal Authorised Officer up to £100,000 per claim

Process	Strategic Procurement	EU Threshold*	Over £100,000*	Over £10,000	Up to £10,000
Extension of Fixed Term Contracts	Procurement Board	Procurement Board	Procurement Board	Service Manager/ Corporate Procurement Strategy	N/A
Bidding for External Contracts	N/A	Director and Legal Authorised Officer	Director and Legal Authorised Officer	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 – Executive Director Economy and Public Protection	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	
Acquisition of land	Executive Director Economy and Public Protection up to £30,000 for strategic purposes or in accordance with approved schemes, e.g. Highways	Over £30,000 within budgets and outside approved schemes	Final approval where costs exceed MTFP	
Dispose of land	With a value up to £30,000 where the land is not held for strategic purposes Executive Director Economy and Public Protection	With a value over £30,000 or where the land is held for strategic purposes		
Completion of documentation for the acquisition and disposal of property	Assistant Director Law and Governance			
Declaring property surplus to operational requirements	Executive Director Economy and Public Protection to prepare report for Cabinet	Approval Required		

Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
External Consents to Disposal	Executive Director Economy and Public Protection and for School Playing fields Executive Director People			
Disposal Consent	Where value is achieved Executive Director Economy and Public Protection	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	Executive Director Economy and Public Protection in accordance with the Property Procedure Rules			
Leases, Licenses etc				
Grant leases and accept licenses, easements and way leaves	Executive Director Economy and Public Protection 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	Executive Director Economy and Public Protection	Approval within existing budgets		
Assignment of leases and sub-letting of leases	Executive Director Economy and Public Protection			
Vary lease and sale terms including rentals and grant retrospective consents	Executive Director Economy and Public Protection where favourable to the Council	Where not commercially favourable to the Council		
Renew Protected tenancies under the Landlord and Tenant Act 1954	Executive Director Economy and Public Protection where favourable to the interests of the Council	Where terms are not commercially favourable to the Council		

Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
Other Property Matters				
Right to Buy Property Disposal	Assistant Director Law and Governance			
Administer the sale or demolition of Council garages	Assistant Director Housing and Revenues			
Approve changes of use	Executive Director Economy and Public Protection where planning permission has previously been granted or the use has deemed consent under the Use Classes Order			
Release, relax or vary restrictive and positive covenants on land or property	Executive Director Economy and Public Protection and where the value is £30,000 or above with the agreement of the Assistant Director Law and Governance			
Land Compensation Act Claims	<p>Negotiate claims arising from Part 1 – Executive Director Economy and Public Protection</p> <p>Take action to achieve a settlement in cases of dispute in relation to Part 1 claims – Assistant Director Law and Governance</p>			
Naming and numbering of Streets	Assistant Director Highways and Capital Projects			

Process	Officer Delegation	Cabinet Approval	Council Approval	Secretary of State Approval
Settle claims of adverse possession and prescriptive easements by transfer of title	Assistant Director Law and Governance			
Signature of all documents, attesting of seal for deeds necessary to give effect to any decision of the Council	Assistant Director Law and Governance			
Actions in accordance with the Property Procedure Rules in cases of emergency	Executive Director Economy and Public Protection			

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							
Capital Expenditure under the Prudential Code	Where annual financing costs are outside resource allocations Cabinet/ Council	Cabinet	Assistant Director of Resources	Assistant Director of Resources	Assistant Director of Resources	Assistant Director of Resources	Assistant Director of Resources
Capital Spending under the Prudential Code for assets which could otherwise be acquired under operating leases		Assistant Director Resources	Assistant Director Resources	Assistant Director Resources	Assistant Director Resources	Assistant Director Resources	Assistant Director 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)				

[illegible]

	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
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							
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
Ex gratia Payments			Cabinet	Cabinet	Cabinet	Director	Director
Write off Debts	N/A	Cabinet	Cabinet	Cabinet	Cabinet	Executive Director Resources and Governance	Up to £1,000 Executive Director Resources and Governance In relation to Car Parking, Executive Director of Environment, Highways and Community Services

[illegible]

	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
Invest any temporary surplus of monies until such monies are required	N/A	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance
Sign all cheques on behalf of the Council (in facsimile)	N/A	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance
Effect all necessary insurances	N/A	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance	Executive Director Resources and Governance
Settle all insurance claims	N/A	Executive Director Resources and Governance	Executive Director Resources and Governance	Any Assistant Director	Any Assistant Director	Any Assistant Director	Any Assistant Director
To vary the scale of fees and charges within year to reflect market conditions	N/A	Executive Director Resources and Governance	Executive Director Resources and Governance	All Assistant Directors	All Assistant Directors	All Assistant Directors	All Assistant Directors

[illegible]

	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
Operate Cultural Services/Businesses on a commercial basis	Cabinet	Executive Director Environment, Highways and Community Services	Executive Director Environment, Highways and Community Services	Executive Director Environment, Highways and Community Services	Executive Director Environment, Highways and Community Services	Assistant Director Environment and Community Safety	Assistant Director Environment and Community Safety
Provide grants and make charges for services provided to Resident Groups recognised by and working in partnership with the Council	Cabinet	Executive Director Environment, Highways and Community Services	Executive Director Environment, Highways and Community Services	Executive Director Environment, Highways and Community Services	Executive Director Environment, Highways and Community Services	All Assistant Directors in consultation with the Executive Director Environment, Highways and Community Services	All Assistant Directors in consultation with the Executive Director Environment, Highways and Community Services

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 advertising of a new post with a salary package exceeding £100,000	Cannot be delegated to Officers	Yes through the Assistant Director Law and Governance	Must be made by Full Council	A majority vote at Full Council is required giving approval for a post with a salary exceeding £100,000 to be advertised.
The appointment of the Chief Executive	Cannot be delegated to Officers	Yes through the Assistant Director Law and Governance	Human Resources Committee to recommend to Full Council	Must be made by Full Council
The appointment of Chief Officers (Directors, and other Chief Officer and statutory officers)	Where the Council proposes to appoint a Chief Officer exclusively from among the existing Officers	Yes through the Assistant Director Law and Governance	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 Law and Governance	Human Resources Panel (sitting as an Appointments 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 (Executive Director Resources and Governance and the Monitoring Officer (Assistant Director, Law and Governance)	Cannot be delegated to Officers	Yes through the Assistant Director Resources	Human Resources Committee. A report from the Human Resources Advisory Panel made by the Independent Person must be prepared before a decision can be made	Must be taken by Full Council

	Officer Delegation	Statutory Executive Member Consultation	Member Decision	Council Decision
The dismissal of Chief Officers	Chief Executive	Yes through the Assistant Director Law and Governance	Human Resources Chief Officer Appointment Panel	Can be taken by Full Council
Dismissal of Deputy Chief Officers	Directors	Yes through the Assistant Director Law and Governance	Human Resources Panel	Can be taken by Full Council
Dismissal by way of redundancy or voluntary redundancy for Chief Officers and Deputy Chief Officers	Yes unless the severance packaged exceeds £100,000	Yes through the Assistant Director Law and Governance	Can be taken by Members but is currently delegated to Officers	Can be taken by Members but is currently delegated to Officers Any severance package exceeding £100,000 must be voted upon by Full Council
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	All Directors			
Issue HR 1 notices in respect of potential redundancies	Executive Director Resources and Governance			
Implement immediate action to ensure the safety of staff up to £2,000 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			

	Officer Delegation	Statutory Executive Member Consultation	Member Decision	Council Decision
To carry out powers and duties under the Health and Safety at Work etc Act	Otherwise, than as an employer, the Executive Director Environment, Highways and Community Services			
Issue 'certificates of opinion' as to whether or not the duties of a post fall within the criteria of political sensitivity	Assistant Director Law and Governance/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 in relation to applications and enforcement	<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 statutory consultee with the exception of a Parish Council; <p>or where the following circumstances are met :-</p> <ul style="list-style-type: none"> a) Where it is proposed to grant permission (other than applications for prior approval) when more than 2 objections are received from Members of the public resident in different properties; b) Where it is proposed to refuse permission (other than applications for prior approval) when more than 2 letters of support are received from Members of the public resident in different properties; <p>or any determination where :-</p> <ul style="list-style-type: none"> a) A Member requests, in writing, giving planning 	Determine applications not delegated to officers		

	Officer	Planning Committee	Licensing Committee	Cabinet
	<p>related reasons, that a planning application be determined by the Planning Applications Committee or;</p> <p>b) It is proposed to grant permission when an objection is received from a Parish Council or one or two objections are received from members of the public resident in different properties; or</p> <p>c) To refuse permission when a letter or support is received from a Parish Council or one or two letters of support are received from members of the public resident in different properties shall be subject to consultation with the Chair or Vice-Chair of the Planning Applications Committee.</p> <p>Executive Director Economy and Public Protection</p>			
Determine details required by conditions imposed on any permission.	Executive Director Economy and Public Protection			
Determine minor amendments to approved plans where these do not materially alter the form of the approved development	Executive Director Economy and Public Protection			
All powers and functions of the Authority in respect hackney carriage and private hire licensing matters	<p>Except where:</p> <p>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</p>		In all other cases where it is appropriate	

	Officer	Planning Committee	Licensing Committee	Cabinet
	nine or more points on their DVLA driving licence Executive Director Economy and Public Protection			
All powers and functions in respect of the Scrap Metal Dealers Act 2013.	Except contested licensing applications, variations and revocations, which are dealt with by a Senior Officer (in most circumstances to be the Licensing, Parking, Trading Standards and CCTV Manager) to be appointed by the Executive Director Economy and Public Protection			
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 Adult Services			
Apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs	Assistant Director Adult Services			
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 Adult Services			
Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non-Domestic Rates	Assistant Director (Housing and Revenues)			
Defend and/or settle all claims made against the Council up to £100,000	Assistant Director Law and Governance			Over £100,000

	Officer	Planning Committee	Licensing Committee	Cabinet
To approve Public Spaces Protection Orders (PSPO's), unless they are likely to be considered to be sensitive or significant.	Executive Director Economy and Public Protection			In cases considered to be sensitive or significant

	Officer	Planning Committee	Licensing Committee	Cabinet
Issue proceedings, prosecute, defend, conduct, withdraw, settle or appeal any legal proceedings or process on behalf of the Council	Assistant Director Law and Governance			
Institute criminal proceedings in respect of offences against any legislation (including byelaws) which the Council is allowed to enforce, or which any of the King's subjects may prosecute; and offences of common assault on behalf of an employee, if so required	Assistant Director Law and Governance			

	Officer	Planning Committee	Licensing Committee	Cabinet
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 Law and Governance			
Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility	Assistant Director Law and Governance			
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 Law and Governance			
Under the Road Traffic Regulation Act 1984 to make any orders for the regulation of traffic	Assistant Director Highways and Capital Projects UNLESS any objections are received			Where objections are received and Cabinet are legally able to consider the objections

	Officer	Planning Committee	Licensing Committee	Cabinet
Determining new applications for inclusion on the register of village greens (under the Commons Registration Act 2006). If an objection is received an independent Inspector shall be appointed to determine the application.	Assistant Director Law and Governance			
To carry out powers in relation to assets of community value under Part 5 Chapter 3 of the Localism Act 2011.	<p>Powers to determine whether an asset should be placed on the list - Head of Service</p> <p>Powers to determine reviews - Assistant Director Law and Governance</p>			
Exceptions in relation to specific Projects (which last more than six months)				
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 – Executive Director Environment, Highways and Community Services			
In relation to the Local Transport Plan	Variation of schemes and programme – Executive Director Environment, Highways and Community Services			
In relation to the Planning Obligations Supplementary Planning Document : Infrastructure Projects List	Variation of schemes and projects each financial year subject to planning obligation requirements being delivered – Executive Director Economy and Public Protection			

The Statutory and Proper Officers

Designated Posts

Legislation	Function	Designated Officer
Section 4(1) Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 151 Local Government Act 1972	Chief Finance Officer	Executive Director Resources and Governance
Section 5(1) Local Government and Housing Act 1989	Monitoring Officer	Assistant Director Law and Governance
Section 9FB of the Localism Act 2011	Scrutiny Officer	Democratic and Elections Manager
Section 35 Representation of the People Act 1983	Returning Officer	Chief Executive
Section 8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
Section 6(1) Local Authority Social Services Act 1970	Director of Adult Social Services	Executive Director People
Section 18 Children Act 2004	Director of Children's Services	Executive Director People
Section 532 Education Act 1996	Chief Education Officer	Executive Director People
Health and Social Care Act 2012		Director of Public Health
Data Protection Act 2018 General Data Protection Regulation	Data Protection Officer	Complaints and Information Governance Manager

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 her in her duties.
5. Under Section 52(2) of the Representation of the People Act 1983 the Electoral Registration Officer may appoint deputies to assist her in her 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 Law and Governance
Section 13(3)	Parish Trustee	Assistant Director Law and Governance
Section 84	Written notice of resignation must be given by councillors to the proper officer.	Assistant Director Law and Governance
Section 88	Gives the proper officer power to convene a meeting for purpose of filling a casual vacancy in case of Chairman of the Council.	Assistant Director Law and Governance
Section 89	Makes provision for the proper officer to accept notice in writing of the casual vacancy occurring in the office of Councillor.	Assistant Director Law and Governance
Section 100(A) to (F)	Concerned with the provision of information about the decisions made or to be made by councillors including access to agenda, reports, background papers, members additional document access rights, minutes and records of decisions	Assistant Director Law and Governance
Section 115(2)	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	Executive Director Resources and Governance
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	Executive Director Resources and Governance

Legislation	Function	Proper Officer
Section 146	Provides that the proper officer is to make a statutory declaration certificate, securities. etc. to be transferred on change of name of local authority or change of area	Executive Director Resources and Governance
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 Law and Governance
Section 229(5)	Provides that the proper officer must certify any photographic copies of documents	Assistant Director Law and Governance
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 Law and Governance
Section 238	Provides that printed copies of bylaws are endorsed with a certificate signed by the proper officer	Assistant Director Law and Governance
Section 248	Provides that the proper officer must keep the roll of freemen of the town	Assistant Director Law and Governance
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 Law and Governance
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 Law and Governance
Schedule 29 Section 41	Proper Officer for Births, Marriages and Deaths	Assistant Director Law and Governance

Legislation	Function	Proper Officer
Local Government Act 1974		
Section 30	Provides that the proper officer must give public notice of the ombudsman's reports	Assistant Director Law and Governance
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 Law and Governance
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 Law and Governance
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Assistant Director Law and Governance
Representation of the People Act 1983		
Section 67 (7)(b)	Receipt of notice of an election agent for local elections	Chief Executive
Sections 82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	<u>Chief Executive</u>
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	Chief Executive
Local Elections (Principal Area) Rules 2006		
	Retention and public inspection of documents after an election	Chief Executive

Legislation	Function	Proper Officer
Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
	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 Law and Governance
Local Government Finance Act 1988		
Section 116	Provides that the proper officer must give the authority's auditor notice of meetings held under S115	Assistant Director Law and Governance
Schedule 4		
Section (10)(1) Paragraphs 6 - 8	Where notice has to be served on the Council concerning the acquisition of way leaves over Council-owned land	Executive Director Environment, Highways and Community Services
Section 10(1) Paragraph 9	Where notice has to be served on the Council concerning the felling and lopping of trees etc.	Executive Director Environment, Highways and Community Services
Schedule 8		
Section 36 (8) Paragraph 1	Where applications have to be made for consent to construct generating stations on Council-owned land	Executive Director Economy and Public Protection
Section 36(8) Paragraph 2	Where applications for consent have to be served on the local planning authority	Executive Director Economy and Public Protection
Local Government and Housing Act 1989		
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	Assistant Director Law and Governance
Highways Act 1980		

Legislation	Function	Proper Officer
	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 and Capital 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 and Capital Projects
Section 295	Gives power to remove certain materials from highways after proper officer has given notice	Assistant Director Highways and Capital 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 and Capital 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	Executive Director Environment, Highways and Community Services
Section 78(8)	Provides that the proper officer may as an officer of the local authority exercise powers under sub-section (1) to take action with regard to a dangerous building	Executive Director Environment, Highways and Community Services
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	Executive Director Environment, Highways and Community Services
Public Health (Control of Diseases) Act 1984 as amended by Health and Social Care Act 2008		
Section 48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	Executive Director Economy and Public Protection appointee

Legislation	Function	Proper Officer
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.	Executive Director Economy and Public Protection 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	Executive Director Economy and Public Protection appointee
The Public Health (Aircraft Regulations) 1979 (as amended)		
Regulations 7, 8, 9, 14, 18, 20, 21 and 22	Prevent the spread of infection associated with air travel	Director of Public Health
Housing Act 1985		
Part XVII	Reports to local authority about unfit housing	Executive Director Resources and Governance
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	Executive Director Economy and Public Protection
Local Authorities (Standing Orders)(England) Regulations 2001		
	Officer who will give written notice of appointment or dismissal of officers listed in Schedule 1, Part II, paragraph 3	Assistant Director Law and Governance
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Assistant Director Law and Governance

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 (smoke free premises) and regulations made under it”	Executive Director Economy and Public Protection 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	Executive Director Economy and Public Protection appointee
Section 10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Executive Director Economy and Public Protection 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”	Executive Director Economy and Public Protection appointee
Smoke-free (Premises and Enforcement) Regulations 2006		
Regulation 3	To carry out the functions of an enforcement authority under Regulation 3	Executive Director Economy and Public Protection appointee
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	Executive Director Economy and Public Protection appointee
Scrap Metal Dealers Act 2013		
	To carry out the functions under the Scrap Metal Dealers Act 2013	Executive Director Economy and Public Protection appointee

Weights and Measures Act 1985		
Section 72(1)(a)	Chief Inspector of Weights and Measures	Executive Director Economy and Public Protection appointee
Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018		
Section 72(1)(a)	To carry out the functions under the Act as the enforcement authority	Executive Director Economy and Public Protection appointee