

OFFICER DELEGATION SCHEME
SCHEME OF DELEGATION TO OFFICERS

Under s 101 Local Government Act 1972 the Council has delegated certain functions (“non-executive” functions) to officers. Under s.15 Local Government Act 2000 the Executive has delegated certain functions (“executive” functions) to officers.

These delegations are set out in the following schedules and are subject to the following general principles, conditions and notes. More specific conditions and reservations, and consultations required, appear in the Schedules.

1. A delegation may be amended or revoked at any time (but without prejudice to any action already taken).
2. Delegations shall be exercised in accordance with Standing Orders, Financial Procedure Rules and Contracts Procedure Rules and are additional to the powers contained in those Orders and Procedure Rules.
3. In exercising any delegation, an Officer shall not commit the Council to any expenditure for which there is no capital or revenue provision.
4. In exercising any delegation, an Officer shall give effect to Council policy in relation to the matter.
5. Where, in the judgement of the Officer to whom a matter is delegated, its exercise would give rise to new or significant policy implications or to circumstances of particular difficulty or controversy, then the matter shall be referred to the appropriate body of the Council for determination.
6. The Officers to whom functions are delegated are specified in the Schedules. Directors and other officers to whom functions are delegated may however arrange for functions to be discharged in their name by members of their staff.
7. The Strategic Director or in his absence the Corporate Director may exercise a function delegated to any officer to whom functions are delegated under this Scheme of Delegation (other than those functions which are the responsibility of the other statutory officers).
8. Officers shall retain a suitable record of action taken under delegated authority. Officers may be required to attend before Overview and Scrutiny Committees to account for their exercise of their delegated powers.
9. This Scheme shall be maintained by the Corporate Director as the Statutory Monitoring Officer.

SCHEDULE 1

FUNCTIONS DELEGATED TO THE STRATEGIC DIRECTOR

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
1. To do all such things as are necessary in relation to all routine matters of day to day administration and management of the Council.		
2. To authorise any action necessary to protect the safety or welfare of individuals or the safety of property.		
3. To sanction emergency action in accordance with the rules for urgent business as set out in the protocol at the end of this document.		Executive Leader/ Group Leaders/ Corporate Director as appropriate
4. To represent the Council at strategic meetings of local authorities, and other bodies, organisations and partnerships.		Executive Leader/ Group Leaders
5. To do all such things as are necessary in relation to all routine matters of day to day administration and management of any Service Area, in particular things necessary to implement Service Plans.		
6. To incur expenditure on any item included in the revenue budget.	Except where reserved for decision by the Executive or a Committee.	
7. To take necessary action to implement the Council's Strategic Plan.		
8. To attest the affixing of the Common Seal to documents sealed on behalf of the Council.		
9. To approve honoraria payments.		Liberata UK Limited / Corporate Director as appropriate
10. To make appointments to posts on the budgeted establishment.		Liberata UK Limited/ Corporate Director
11. To approve applications for early retirement.		Liberata UK Limited/ Corporate Director as appropriate
12. To approve alterations to staffing establishments within approved budgets.		Liberata UK Limited

13. To approve the issue of redundancy notices to any Council staff.		Executive Leader/Group Leaders/Corporate Director/Liberata UK Limited.
14. To approve the filling of vacancies in approved staffing establishments		Relevant Service Manager/Corporate Director as appropriate
15. To authorise surveillance etc., operations in accordance with the Regulation of Investigatory Powers Act 2000.		
16. To approve terms for the sale, letting or purchase of land where the consideration or rent does not exceed £10,000.		Liberata UK Limited/Democratic and Legal Manager
Other		
17. The powers delegated to the Strategic Director in this Schedule 1 may be exercised by any officer of the Council for the time being authorised in writing by him to exercise the powers referred to in the said written authorisation.		

SCHEDULE 2

FUNCTIONS DELEGATED TO THE CORPORATE DIRECTOR

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
1. To do all such things as are necessary in relation to all routine matters of day to day administration and management of the Council.		
2. To authorise any action necessary to protect the safety or welfare of individuals or the safety of property.		
3. To do all things as are necessary in relation to all routine matters of day to day administration and management of any Service Area, in particular things necessary to implement Service Plans.		
4. To take necessary action to implement the Council's Strategic Plan.		
5. To approve the use of the Council's coat of arms (including those of predecessor Councils) and		

the use and display of civic regalia.		
6. To make appointments to posts on the budgeted establishment.		Liberata UK Limited/Strategic Director
7. To approve alterations to staffing establishments within approved budgets.		Liberata UK Limited
8. To pay compensation up to £1,000 in cases of apparent maladministration (s.92 Local Government Act 2000).		
9. To deal with all relevant matters relating to Health and Safety and Emergency Planning.		
10. To take necessary action in furtherance of the Council's twinning activities.		The Mayor, the Chairman of the Pendle Twinning Association, Group Leaders and Strategic Director as appropriate.
11. To approve the letting and usage of Committee and other rooms in the Town Hall to outside organisations.		
12. To approve the flying of flags on civic and other occasions.		The Mayor
13. To authorise surveillance etc. operations in accordance with the Regulation of Investigatory Powers Act 2000 agreed.		
14. To grant dispensations in relation to disclosable pecuniary interests to members of Pendle Borough Council and to members of Town and Parish Councils in the Borough of Pendle on receipt of a written request from any member falling within one of those categories.	In accordance with the Protocol adopted by the Council	
15. To attest the affixing of the Common Seal to documents sealed on behalf of the Council.		
16. To make representations or to apply for reviews in respect of the Licensing Act 2003 on behalf of the Council as Responsible Body under Section 104 of the Licensing Act 2004.		
Anti-Social Behaviour, Crime and Policing Act 2014		
17. To serve Community		

Protection Notices under Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014.		
18. To serve Closure Notices under Section 76 to 93 of the Anti-Social Behaviour, Crime and Policing Act 2014 .		
19. The powers delegated to the Corporate Director in this Schedule 2 may be exercised by any officer of the Council for the time being authorised in writing by him to exercise the powers referred to in the said written authorisation.		

SCHEDULE 3

FUNCTIONS DELEGATED TO THE FINANCIAL SERVICES MANAGER

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
1. To manage internal capital provisions and reserves and to supervise the investment and borrowing of Council monies.	In accordance with the approved Treasury Management Strategy	Strategic Director
2. To carry out audits of the Council's accounting records and control systems.		
3 To write off individual debts up to the value of £500.		
4. To settle all compensation payments in connection with the compulsory acquisition of land.		Liberata UK Limited
5. To settle insurance claims .		Strategic Director or Corporate Director
6. To authorise surveillance etc., operations in accordance with the Regulation of Investigatory Powers Act 2000.		
7. The powers delegated to the Financial Services Manager in this Schedule 3 may be exercised by any officer of the Council for the time being authorised in writing by him to exercise the powers referred to in the said written authorization.		

SCHEDULE 4

FUNCTIONS DELEGATED TO THE DEMOCRATIC AND LEGAL MANAGER

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
1. To act as Registrar of local land charges and to process		

local search forms.		
2. To instigate legal proceedings in any civil or criminal court or any tribunal including prosecution for breach of any Act, byelaw, the requirements of any Notice, order, regulation or direction; to defend the Council in any legal proceedings or appeal; and to make applications for Orders.		Strategic Director / Corporate Director/Service Manager
3. To apply for injunctions under Sections 187B or 214A of the Town and Country Planning Act 1990.		Strategic Director / Corporate Director/Service Manager
4. To select and instruct Counsel.		Strategic Director/ Corporate Director/Service Manager.
5. To issue statutory notices, directions and orders other than Planning Enforcement Notices, Planning Contravention Notices, Breach of Condition Notices and Stop Notices.		At the request of the relevant Director or Service Manager , where appropriate.
6. To enter into contracts for works or services.		At the request of Strategic Director or Corporate Director.
7. To attest the affixing of the Common Seal to documents sealed on behalf of the Council.		
8. To take any legal action required to protect the Council's land interests.		Liberata UK Limited Strategic Director or Corporate Director
9. To require information as to interests in land (s.16 Local Government (Miscellaneous Provisions) Act 1976).		Relevant Director or Service Manager.
10. To issue enforcement notices, planning contravention notices, breach of condition notices, completion notices, stop notices and notices under S215 Town and Country Planning Act 1990.		Strategic Director/Service Manager
11. To issue on behalf of Together Housing all notices and to take all other steps in connection with the right to buy scheme.		Together Housing
12. To make public path orders, or concurrent orders, under Sections 26, 118 or 119 of the Highways Act 1980, to create, extinguish or divert a public footpath or bridleway where: a) Relevant local rights of way		Corporate Director

<p>user groups, other local Councils, ward councillors, statutory undertakers, landowners and owners of neighbouring properties have been consulted on the proposals and no objections have been received.</p> <p>b) The proposals satisfy the legislative criteria and the local criteria for an order or orders to be made, and</p> <p>c) The applicant (if one exists) has agreed to pay the full administrative cost for making the necessary public path order or orders.</p>		
13. To confirm a public path order made under the powers set out in this scheme if no objections are received or if any objections received are subsequently withdrawn.		
14. To authorise officers in the Legal Section to represent the Council in proceedings in the Magistrates Court under Section 223 of the Local Government Act 1972.		
15. To administer cautions to Defendants in criminal proceedings.		
16. To give consents under covenants, leases etc.		Liberata UK Limited
17. To be the Council's Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000.		
18. The powers delegated to the Democratic and Legal Manager in this Schedule 4 (other than the function regarding the Regulation of Investigatory Powers Act 2000 in paragraph 18) may be exercised by any officer of the Council for the time being authorised in writing by him to exercise the powers referred to in the said written authorisation.		

SCHEDULE 5

FUNCTIONS DELEGATED TO THE ENVIRONMENTAL SERVICES MANAGER

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
Waste Services Delegations		
1. To produce and maintain the Local Civic Emergency Plan.		Strategic Director

2. To issue fixed penalty notices in relation to dropping of litter and dog fouling on land.		
3. To issue fixed penalty notices pursuant to Section 43 of the Anti-Social Behaviour Act 2003 in respect of graffiti and fly posting.		
4. To serve notices under Section 215 of the Town and Country Planning Act 1990 and to authorise officers to enter land for any purpose in connection with the issue of such notices and to carry out works in default.		
<p>5. (a) To serve notices and take consequential action, including carrying out work in default.</p> <p>(b) To issue formal cautions.</p> <p>(c) To recommend to the Democratic and Legal Manager that legal proceedings be taken.</p> <p>(d) To exercise statutory powers of investigation and entry (including obtaining warrants)</p> <p>under the following legislation, which includes any statutory re-enactment of such legislation and all regulations made under such legislation.</p> <p>Public Health Act 1936 Environmental Protection Act 1990 Clean Neighbourhoods and Environment Act 2005 Prevention of Damage by Pests Act 1954.</p>		
6. To act as lead officer on behalf of the Council in respect of health and safety matters.		
Parks and Cemeteries Delegations		
7. To manage the Council's parks, play areas and open spaces.		
8. To manage the Council's cemeteries including the issue of grave plots.		
9. The powers delegated to the Environmental Services Manager in this Schedule 5 may be exercised by any officer of the Council for the time being authorised in writing by him to exercise the powers		

referred to in the said written authorisation..

SCHEDULE 6

FUNCTIONS DELEGATED TO THE HOUSING, HEALTH AND ECONOMIC DEVELOPMENT SERVICE MANAGER

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
Housing Regeneration Delegations		
1. To approve all private sector housing grants.		
2. To determine applications for financial assistance with regard to loans and grant.		
3. To determine the amount of monies to be repaid by grant applicants on breach of grant conditions.		
4. To determine areas to be submitted to the Secretary of State for Selective Licensing under the Housing Act 2004.		
5. To determine and administer management orders on private rented housing in the Borough.		
6. To serve notices relating to housing conditions and the taking of consequential action, including carrying out work in default.		
7. To determine and administer the licensing system in respect of houses in multiple occupation.		
8. To determine and administer selective licensing of private sector housing in designated areas of the Borough.		
9. To deal with all matters under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) Order 2014		
10. To determine and administer empty dwelling management orders and deal with all administrative issues regarding enforced sales of properties including the registration of charges at HM Land Registry prior to enforcing sales to recover outstanding debts for		

the cost of works carried out by the Council in default .		
11. To sign Home Improvement Agency Agreements on behalf of the Council and to consent to variations as work under such Agreements proceeds.		
12. To take action in connection with overcrowding in dwellings.		
13. To design and manage block improvement schemes, including Facelifting Schemes, Group Repair Schemes, Gateway Schemes, Environmental Schemes and Healthy Home Improvement Schemes.		Liberata UK Limited
14. To serve all contractual notices and certificates in relation to building and civil engineering contracts.		Liberata UK Limited
15. In respect of any functions carried out within the Service Area to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.		
Homelessness		
16. To administer and determine applications for assistance under the Bond Guarantee Scheme.		
17. To administer and determine applications under the Repossession Prevention Scheme.		
18. To determine the Council's legal duty towards households who are homeless or at risk of homelessness.		
19. To determine the level of financial support to be offered to households who are homeless or at risk of homelessness and which would have their homelessness prevented/alleviated by help from the Cheque Upfront Scheme, the Personal Solutions Scheme, the Homelessness Prevention Budget or Petty Cash.		
Pendle Women's Refuge		
20. To determine how to allocate donations made to the Refuge.		
Environmental Health Delegations		
21. To issue permits under the PPC Regulations.		
22. To issue licences, registrations and consents and		

<p>notices under the European Communities Act 1972, the Food Safety Act 1990 (and any Regulations made under those Acts), the Food Safety & Hygiene (England) Regulations 2013 and EC Regulations 178/2002, 852/2004, 853/2004, 854/2004, 882/2004 and 2073/2005.</p>		
<p>23. To issue licences under Caravan Sites and Control of Development Act 1960.</p>	<p>These are only considered after a planning consent has been granted</p>	
<p>24. To issue licences and registration relating to acupuncture, tattooing, ear-piercing and electrolysis under Local Government (Miscellaneous Provisions) Act 1982.</p>		
<p>25. To issue consent for the operation of a loudspeaker under the Noise and Statutory Nuisance Act 1993.</p>		
<p>26. To discharge enforcement functions under Part 1 Health and Safety at Work Act 1974.</p>		
<p>27. To determine the Council's response to consultations by the Environment Agency in relation to Disposal Site Licences under the Control of Pollution Act 1974</p>		
<p>28. To determine whether land is "contaminated land" as defined in Section 78A of the Environmental Protection Act 1990.</p>		
<p>29. In respect of any functions carried out within the Service Area to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>		
<p>30. To serve notices under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to take all consequential action, including carrying out work in default and serving fixed penalty notices.</p>		
<p>31. Subject to Paragraph 32 below to:</p> <p>a) decide applications for authorisations, registration, consents, licences or certificates of approval:</p> <p>b) serve notices and take</p>		

<p>consequential action, including carrying out work in default;</p> <p>c) issue simple cautions;</p> <p>d) recommend to the Democratic and Legal Manager that legal proceedings be taken;</p> <p>e) exercise statutory powers of investigation and entry (including obtaining warrants); and</p> <p>f) issue Hygiene Emergency Prohibition Notices and Remedial Actions Notices under the Food Safety and Hygiene (England) Regulations 2013 and orders under the following legislation, which includes any statutory re-enactment of such legislation and all regulations made under such legislation:-</p> <p>Public Health Acts 1936 and 1961 Prevention of Damage by Pests Act 1949 Shops Act 1950 Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Home Safety Act 1961 Factories Act 1961 Animal Boarding Establishments Act 1963 Office Shops and Railway Premises Act 1963 Riding Establishments Act 1963 Defective Premises Act 1972 Breeding of Dogs Acts 1973 and 1991 Health and Safety at Work etc Act 1974 Control of Pollution Act 1974 Housing Financial Provisions Act 1975 Dangerous Wild Animals Act 1976 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Protection from Eviction Act 1977 Agriculture (Miscellaneous Provisions) Acts 1968 and 1972 Mobile Homes Act 1983 Building Act 1984 Food Act 1984 (Residual Parts) The County of Lancashire Act 1984 Housing Acts 1985, 1988 and 2004 Landlord and Tenant Act 1985 Local Government and Housing Act 1989</p>		
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<p>The Environment Acts 1990, 1995, 2005 and 2011 Food Safety Act 1990 Environmental Protection Act 1990 Water Industry Act 1991 Water Resources Act 1991 The Private Water Supply Regulations 2009 Land Drainage Act 1991 Water Consolidation (Consequential Provisions) Act 1991 Clean Air Act 1993 Noise and Statutory Nuisance Act 1993 Radioactive Substances Act 1993 Sunday Trading Act 1994 Criminal Justice and Public Order Act 1994 Caravan Sites Act 1968 Housing Grants Construction and Regeneration Act 1996 Dogs (Protection of Livestock) Act 1953 Animals Act 1971 Guard Dogs Act 1975 Dangerous Dogs Act 1991 Protection of Animals Act 1911 Products of Animal Origin (Third Country Imports) (England) (No3) Regulations 2004 PPC Act 1999 and the Environmental Permitting Regulations 2007, Noise Act 1996 The Regulatory Reform Order (Housing Assistance) 2002 Anti-Social Behaviour Act 2003 Public Health (Control of Disease) Act 1984 The Control of Pollution (Amendment) Act 1989 Clean Neighbourhoods & Environment Act 2005 The Health Acts 2006 and 2009 Mobile Homes Act 2013 European Communities Act 1972 EC Regulations 178/2002, 852/2004, 853/2004, 854/2004, 882/2004 and 2073/2005 Food Safety Act (Amendment) Regulations 2004 Food Safety and Hygiene (England) Regulations 2013 Food Information Regulations 2014 The Sunbeds (Regulation) Act 2010 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015</p> <p>and the following categories of</p>		
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<p>officer may exercise any of the powers in this paragraph on behalf of the Service Manager:-</p> <p>Domestic Noise Officer Public Health Managers, , Environmental Health Officers (as authorize in accordance with the competency framework), Technical Officers (as uthorized in accordance with the competency framework), the Contaminated Land Officer.</p>		
<p>32. All powers under the following legislation:</p> <p>The Food Act 1984 (Residual Parts) The Food Safety and Hygiene (England) Regulations 2013 The Food Safety Act 1990 The Food Safety (Amendment) Regulations 2004 The Food Information Regulations 2014</p> <p>And any legislation amending those pieces of legislation and any regulations made thereunder may only be exercised by the following officers:</p>		
Officer	Extent of Authority	
Lead Officer within the meaning of the Food Law Code of Practice (England) 2015	The full range of official controls under the legislation listed in Paragraph 31 above.	
3 Senior Authorised Officers within the meaning of the Food Law Code of Practice (England) 2015	The full range of official controls under the legislation listed in Paragraph 31 above.	
Authorised Officer within the meaning of the Food Law Code of Practice (England) 2015	<p>To inspect establishments with an intervention rating of C-E and to use all powers under the legislation in Paragraph 31 above but not the following:</p> <p>Undertaking inspections of food to determine fitness; Seizing and detaining food; Undertaking food standards work; Undertaking Import Controls functions; Service of Remedial Action Notices; Service of Hygiene Emergency Prohibition Notices.</p>	
Regulatory Support Officer within the meaning of the Food Law Code of Practice (England) 2015	Unofficial controls only	
<p>33. Subject to Paragraph 31 above, the powers delegated to the Housing, Health and Economic Development Service Manager in this Schedule 6 may be exercised by any officer of the Council for the time being authorised in writing by her to exercise the powers referred to in the said written authorisation.</p>		

SCHEDULE 7

FUNCTIONS DELEGATED TO THE NEIGHBOURHOOD SERVICES MANAGER

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
1. To be the Council's lead officer on Town and Parish devolution matters.		Strategic Director and Corporate Director
Traffic and Highways Delegations		

2.To deal with all administrative matters relating to residents' parking.		Relevant County Council Departments
3.To deal with all administrative matters relating to private street works.		
4.To deal with all matters relating to highway verge and tree maintenance.		Corporate Director/Relevant County Council Departments
5.To deal with all administrative matters relating to cycling and cycleways.		Relevant County Council Departments
6.To deal with all administrative matters relating to Public Realm highway improvements,		
7.To deal will all administrative matters relating to sett paving stone and flagging works and verge hardening schemes.		
8.To administer Traffic Management Schemes.		Relevant County Council Departments
9.To deal with all administrative matters relating to street naming.		Relevant County Council Departments
10.To deal with all administrative matters relating to roadside seats.		
11.To serve notices and take other action to maintain and protect the public highway including footpaths and bridleways; and to authorise obstructions under the Highways Acts.		
12To take necessary actions to protect access to the countryside.		
13.To manage and maintain bus stations and bus shelters.		
14.To carry out flood defence works on ordinary watercourses.		
15.To manage the provision of festive decorations.		
16.To serve notices and take consequential action, including carrying out of work in default, under the Land Drainage Act 1991.		
Anti-Social Behaviour Delegations		
17. To issue fixed penalty		

notices in relation to dropping of litter and dog fouling on land.		
18. To issue fixed penalty notices pursuant to Section 43 of the Anti-Social Behaviour Act 2003 in respect of graffiti and fly posting.		
19. To serve notices under Section 215 of the Town and Country Planning Act 1990 and to authorise officers to enter land for any purpose in connection with the issue of such notices and to carry out works in default.		
<p>20. To</p> <p>(a) serve notices and take consequential action, including carrying out work in default.</p> <p>(b) to issue formal cautions.</p> <p>[c] to recommend to the Democratic and Legal Manager that legal proceedings be taken</p> <p>d) to exercise statutory powers of investigation and entry (including obtaining warrants)</p> <p>under the following legislation, which includes any statutory re-enactment of such legislation and all regulations made under such legislation.</p> <p>Public Health Act 1936 Environmental Protection Act 1990 Control of Dogs Order 1992 Dogs (Fouling of Land) Act 1996 Clean Neighbourhoods and Environment Act 2005 Prevention of Damage by Pests Act 1954 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016</p>		
Outdoor Recreation Delegation		
21. To manage the Council's sports pitches, including hirings.		
Other		
22. To authorise surveillance etc operations in accordance with the Regulation of Investigatory Powers Act 2000.		
23. The powers delegated to the Neighbourhood Services Manager this Schedule 7 (other than the delegation in paragraph 22 above to authorise surveillance under the Regulation of Investigatory Powers Act 2000) may be exercised by any officer of the Council for the time being authorised in writing by him to exercise the powers referred to in the said written authorisation		

SCHEDULE 8

FUNCTIONS DELEGATED TO THE PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

Planning and Building Control Delegations		
<p>1. To determine all applications under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Hazardous Substances Act 1990, the Town and Country (Tree Preservation Order) Regulations, the Town and Country Planning General Development Order and the Town and Country Planning (Control of Advertisements) Regulations.</p>	<p>Not where:</p> <ul style="list-style-type: none"> • Made or deemed to be made by the Council, • Minded to recommend a decision contrary to the Development Plan, • Decision could give rise to claim for compensation or a purchase notice, • Made by a Councillor or Officer of the Council, • Environmental Impact Assessment required, • It is intended to overrule objections from 3 or more separate addresses, • Residential development for more than 0.5 hectares or 10 or more dwellings (excluding reserved matters), • Non-residential development for 1000 sq. m or more where the site is 1 hectare or more (excluding reserved matters), • A Councillor within 21 days of notification to him/her of the submission of the application, requests that it be determined by the Area Committee. • The application is called in to the Committee by the Chairman of the Area Committee in which the application site is situated. 	<p>The Chairman of the Area Committee in which the application site is situated.</p>
<p>2. To determine whether it is expedient to issue Planning Enforcement Notices, Planning Contravention Notices, Breach of Condition Notices and Stop Notices.</p>	<p>Not where a Councillor requests that the decision be determined by the Area Committee, Chair and Ward Councillors to be informed prior to service of Notices.</p>	<p>Ward Councillors in whose area the site lies and the Chairman of the Area Committee.</p>

3. To give an opinion whether a proposed development would be affected by the Environmental Impact Regulations.		
4. To remove or obliterate illegally placed placards or posters.		
5.. To operate the building regulations systems, including the issue of all notices, certificates etc.		
6.. To deal with dangerous buildings.		
7.. To deal with complaints to the Council under Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges) and Regulations made thereunder, including the issue and withdrawal, waiver or relaxation of the requirements of Remedial Notices.		
8. To authorise on his behalf the Council's Planning Enforcement Officer to enter onto any land for the purpose of carrying out his duties.		
9. To deal with any matters under the Health Act 2006.		
Taxi Licensing Delegations		
10. To issue, renew, suspend or revoke hackney carriage and private hire, vehicle, driver and operator licences.	When the driver or operator concerned has a serious criminal record or there are other serious concerns, the issue shall be put to the Licensing Committee. Where the matter relates to unlawful plying for hire or failure to proceed with reasonable speed to a rank any suspension of a driver's licence shall be for a period of 4 weeks. Where it is in the interests of public safety to do so, and following consultation with the Chairman of the Taxi and Other Licensing Committee, to revoke or suspend a driver's licence prior to the driver attending Committee.	Where the decision relates to the age limit of a vehicle – the Chairman of the Taxi and Other Licensing Committee
11. To issue "penalty points" under the hackney carriage and private hire enforcement system.		
12. To consider the award of penalty points under the Council's Penalty Points Scheme relating to hackney carriages and private hire		

vehicles.		
Licensing Delegations		
13. To deal with applications for house to house street collection permits.		
14. To deal with the following matters concerning liquor licensing under the Licensing Act 2003:		
a) Applications for personal licences	If no representations made	
b) Applications for premises licences/club premises certificates	If no representations made	
c) Applications for provisional statements	If no representations made	
d) Applications to vary premises licences or club certificates	If no representations made	
e) Applications to vary the designated personal licence holder	In all cases except where the police have made representations	
f) Requests to be removed as a designated personal licence holder.	In all cases except where the police have made representations	
g) Applications for the transfer of premises licences		
h) Applications for interim authorities		
i) To decide whether a complaint is irrelevant, frivolous or vexatious		
j) To decide whether to object when the Council is a consultee.		
k) To deal with minor variations to premises licences and club premises certificates under Sections 41A to 41C of the Licensing Act 2003.		
l) To agree to adjournments of any hearing being held		

<p>under the Licensing Act 2003.</p> <p>m) To extend any time limit provided for in the Licensing Act 2003 (Hearings) Regulations 2005 where it is considered to be necessary in the public interest to do so.</p>		
<p>15. To grant Street Trading Consents under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 in cases where the applications are made in accordance with the Council's Street Trading Policy and no adverse representations are made by councillors in respect of the application concerned.</p>		
<p>16.. To deal with all matters under the Gambling Act 2005 and in particular to grant or refuse applications Family Entertainment Centre Gaming Machine Permits under Section 247 of that Act.</p>		
<p>17.. To deal with all administrative and enforcement matters relating to Street Trading under the Local Government (Miscellaneous Provisions) Act 1982.</p>		
<p>18.. To decide whether to suspend premises licences under Section 120 of the Licensing Act 2004 due to non-payment of fees.</p>		
<p>19.. To deal with the following matters under the Scrap Metal Dealers Act 2013 :</p> <ul style="list-style-type: none"> • To licence, renew or vary a licence of a Scrap Metal Dealer • To serve Notice of a proposal to refuse or cancel a licence of a Scrap Metal Dealer • To serve notice of a proposal to vary a licence of a Scrap Metal Dealer under Section 4 of the Scrap Metal Dealers Act 2013 • To determine applications for 		

<p>licences for Scrap Metal Dealers in circumstances where it is the intention to refuse or cancel a licence under Section 4 of the Act, and where the applicant has not served notice requiring the opportunity to make representations in respect of the proposal to refuse or cancel a licence, or to impose conditions on a licence.</p>		
<p>20.. To issue licences and registrations under</p> <ul style="list-style-type: none"> • the Breeding of Dogs Act 1973 • the Breeding and Sale of Dogs (Welfare) Act 1999 • the Pet Animals Act 1951 • the Animal Boarding Establishments Act 1966 and 1970 • the Zoo Licensing Act 1981 • the Dangerous Wild Animals Act 1976 		
<p>21.. To register second-hand dealers under the County of Lancashire Act 1984.</p>		
<p>22. To register motor salvage operators.</p>		
<p>23. To:</p> <p>a) decide applications for authorisations, registration, consents, licences or certificates of approval;</p> <p>b) serve notices and take consequential action, including carrying out work in default;</p> <p>c) exercise statutory powers of investigation and entry (including obtaining warrants)</p> <p>under the following legislation, which includes any statutory re-enactment of such legislation and all regulations made under such legislation:-</p> <p>Scrap Metal Dealers Act 2013 Local Government Miscellaneous Provisions Acts 1976 and 1982 Vehicle (Crime) Act 2001</p>		

24.. To authorise officers in the Legal Section to give evidence at Licensing Committee hearings and in Court proceedings on behalf of the Council where it is acting as Responsible Authority.		
Other		
25.. The powers delegated to the Planning, Licensing and Building Control Service Manager in this Schedule 8 may be exercised by any officer of the Council for the time being authorised in writing by him to exercise the powers referred to in the said written authorisation.		

SCHEDULE 9

FUNCTIONS DELEGATED TO THE DEMOCRATIC AND LEGAL SERVICES MANAGER, THE ENVIRONMENTAL SERVICES MANAGER, THE FINANCIAL SERVICES MANAGER, THE HOUSING, HEALTH & ECONOMIC DEVELOPMENT SERVICES MANAGER, THE NEIGHBOURHOOD SERVICES MANAGER AND THE PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
1.To do all such things as are necessary in relation to all routine matters of day to day administration and management of the Service Area, in particular things necessary to implement Service Plans.		
2. To make appointments to posts on the budgeted establishment.		Liberata UK Limited Strategic Director or Corporate Director
3. To make temporary appointments within budgetary provision.		Liberata UK Limited Strategic Director or Corporate Director
4. To implement the Council's personnel policies in respect of: <ul style="list-style-type: none"> • recruitment and appointment • performance appraisal • training and development • salaries and wages • leave • travel expenses and other allowances • overtime • health and safety at work • grievance and disciplinary matters including dismissal • capability and performance issues including dismissal • managing absence policies including dismissal and medical retirement 		Liberata UK Limited

5. To authorise the attendance of staff at relevant conferences and courses.	In accordance with personal development plans and service requirements. Attendance on qualification courses require approval of Management Team.	
6. To incur expenditure on any item included in the revenue budget and the capital budget.	Except where reserved for decision by the Executive or a Committee.	
7. To issue notices and orders under Acts, Regulations or Byelaws within the remit of the Service Area.		
8. To authorise legal proceedings in respect of offences under Acts, Regulations, Byelaws or Orders within the remit of the Service Area.		(where applicable) Democratic and Legal Manager
9. To exercise powers of inspection, testing and entry under Acts, Regulations or Byelaws within the remit of the Service Area.		(where applicable) Democratic and Legal Manager
10. To sign statements of truth in connection with insurance and civil litigation proceedings.		(where applicable) Democratic and Legal Manager
11. To set fees for licences, applications etc, and miscellaneous activities.	In accordance with the overall budget for the service concerned set by the Council.	Strategic Director or Corporate Director
12. To appear before and give evidence on any legal or tribunal proceedings and to authorise members of staff to do.		(where applicable) Democratic and Legal Manager

APPENDIX

PROTOCOL FOR THE EXERCISE OF URGENT POWERS

1. Where it is necessary for any function of the Council to be discharged and it is impracticable or impossible by reason of urgency for the matter to be considered by the Council, the Executive or a committee, then the Strategic Director shall be authorised to take such action as he considers appropriate in consultation so far as practicable with:

(i) the Executive Leader; and

(ii) where there is not a majority group on the Council the leaders of the other political groups.

2. Where urgent action is taken under paragraph 1. above, the Strategic Director shall submit a report:

(i) Recording the urgent circumstances why such action was necessary; and

(ii) Detailing the action taken

to the next appropriate meeting of Council, Executive or committee as the case may be.

PROPER OFFICER AND STATUTORY OFFICER APPOINTMENTS

NOTES

1. Proper Officer and Statutory Officer appointments must be distinguished from powers “delegated” to Officers.
2. Delegated powers –
 - (i) are at the discretion of the Council or the Executive;
 - (ii) can be withdrawn or amended;
 - (iii) can be made subject to the observance of conditions and/or compliance with Council policy.
3. Under certain statutes and guidance, the Council is required to appoint a Proper Officer or Statutory Officer to undertake a specific function. In such cases, the effect of the statutory provision is as follows:
 - (i) the function can only be dealt with through that Officer;
 - (ii) the function can only be discharged by that Officer in the way prescribed by the statutory provision concerned;
 - (iii) the Council or the Executive cannot direct the way in which the function is discharged.

These appointments are set out in the Schedule below.
4. In the absence of the Proper Officer or Statutory Officer the powers are exercisable by such Officers as the Proper Officer or Statutory Officer shall appoint.

SCHEDULE 1

STATUTORY OFFICERS AND PROPER OFFICER FUNCTIONS

1. Statutory Officers

Title/Description (and statutory derivation)	Officer appointed
Head of Paid Service (Section 4 – Local Government & Housing Act 1989)	Strategic Director
Monitoring Officer (Section 5 – Local Government & Housing Act 1989)	Corporate Director
Officer responsible for financial administration and (Section 151 – Local Government Act 1972) Corporate Services	Financial Services Manager
Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	Corporate Director
Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Corporate Director

2. Proper officer functions

The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.

STATUTE AND FUNCTION	PROPER OFFICER
REPRESENTATION OF THE PEOPLE ACT 1983	
Section 8 – The Electoral Registration Officer for the purpose of the registration of electors	Corporate Director
Section 28 – The Returning Officer at an election of a Member of Parliament	Corporate Director

Section 35 – The Returning Officer at an election of Borough councillors	Corporate Director
LOCAL GOVERNMENT ACT 1972	
Section 83(1) – The officer to whom a person elected to the office of councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act	Corporate Director
Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Corporate Director
Section 89(1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of councillor may be given by two local government electors for the Borough	Corporate Director
Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given	Monitoring Officer
Section 99 and Schedule 12 – To give notice and send summonses in respect of any Council meeting	Corporate Director
Section 100A(6) – To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Democratic and Legal Manager
Section 100B(2) – The officer to exclude from committees, sub-committees, council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Monitoring Officer
Section 100B(7)(c) – The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration	Monitoring Officer
Section 100C(2) – The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the cabinet from which the public were excluded	Democratic and Legal Manager
Section 100D(1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the	Democratic and Legal Manager

Executive	
Section 100D(5) – The officer to determine which documents constitute background papers and Section 100H – ability to charge for the provision of such documents	Monitoring Officer
Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Monitoring Officer
Section 100G – To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like Proper Constitutional Officer	Democratic and Legal Manager
Section 115 – The officer to whom money properly due from officers shall be paid	Financial Services Manager
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Financial Services Manager
Section 151 – The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Financial Services Manager
Section 223 – Authorising officers to attend court and appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984	Democratic and Legal Manager
Section 225(1) – The officer to receive and retain statutory documents on behalf of the authority	Monitoring Officer
Section 229(5) – The officer to certify photographic copies of documents	Democratic and Legal Manager
Section 233 – The officer to receive documents required to be served on the authority	Democratic and Legal Manager
Section 234(1) and (2) – The officer to authenticate documents on behalf of the authority	Democratic and Legal Manager
Section 238 – The officer to certify printed copies of byelaws	Democratic and Legal Manager

Section 248 – The officer responsible for the keeping of the roll of freemen Monitoring Officer	Democratic and Legal Manager
Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent Proper Constitutional Officer / Scrutiny Officer as appropriate	Democratic and Legal Manager
Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Democratic and Legal Manager
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	
Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the authority as evidence in any legal proceedings	Democratic and Legal Manager
Section 16 – Notices requiring details of interest in land	Democratic and Legal Manager
LOCAL GOVERNMENT AND HOUSING ACT 1989	
Section 2 – The officer to hold on deposit the list of politically restricted posts and provision of certificates as to whether a post is politically restricted	Monitoring Officer
Sections 15-17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Monitoring Officer
LOCAL GOVERNMENT ACT 2000	
The officer responsible for ensuring a proper record is made of decisions of the Executive and that the document comprising the authority's forward plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Democratic and Legal Manager
To establish and maintain the Register of Members' Interests and ensure it is available for public inspection	Monitoring Officer
To ensure that copies of the constitution are	Monitoring Officer

available for inspection	
To make payments of relevant allowances in accordance with the council's members allowances scheme	Financial Services Manager
To defray expenses of any members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Financial Services Manager
LAND CHARGES ACT 1975	
Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Democratic and Legal Manager
LOCAL GOVERNMENT ACT 2003	
Section 25 – Requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserves	Financial Services Manager
PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (Sections 48, 61 and 62 and Regulations made thereunder), THE PUBLIC HEALTH ACT 1936 (Sections 84 and 85), THE PUBLIC HEALTH ACT 1961 (Section 37), AND THE HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010 (Regulations 2 and 3)	
Requirement to appoint a suitably qualified person or persons as the Council's medical advisor on environmental health and proper officer for notifiable diseases As may be appointed from time to time by the Strategic Director of Environment and Leisure	Nominated Proper Officers Dr John Astbury Ms Kate Brierley Dr Steven Davenport Gee Dr Kenneth Lamden Dr Nicola Schinaia Or any person notified in writing to the Council by Health England from time to time as having replaced any one of those individuals.
CIVIL EVIDENCE ACT 1995	
To certify council records for the purposes of admitting the document in evidence in civil proceedings	Democratic and Legal Manager
LOCAL GOVERNMENT FINANCE ACT 1988	
Section 114 – The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Financial Services Manager
Section 116 – Notification to the council's auditor	Financial Services Manager

of any meeting to be held under Section 115 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)	
Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required.	Financial Services Manager
LOCAL GOVERNMENT (CONTRACTS) ACT 1997	
Certification of relevant powers to enter into contracts	Democratic and Legal Manager
LOCAL AUTHORITIES' CEMETERIES ORDER 1977 (SI 1977 NO 204)	
Schedule 2, Article 10, Part 11.1(1) – To appoint an officer for the purpose of signing the Grants of Exclusive Right of Burial Deeds on behalf of the burial authority	Corporate Director