

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 4

FUNCTIONS DELEGATED TO THE HEAD OF LEGAL SERVICES

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

<p>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:</p> <p>a) Relevant local rights of way 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>		Corporate Director
<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.</p>		
<p>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.</p>		
<p>15. To administer cautions to Defendants in criminal proceedings.</p>		
<p>16. To give consents under covenants, leases etc.</p>		Liberata UK Limited
<p>17. To be the Council's Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000.</p>		
<p>18. The powers delegated to the Head of Legal Services 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.</p>		

SCHEDULE 5

FUNCTIONS DELEGATED TO THE ENVIRONMENTAL SERVICES MANAGER

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
Waste Services Delegations		
		Strategic Director
<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 Head of Legal Services 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 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.</p>		

SCHEDULE 6

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

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTATIONS
Housing Regeneration Delegations		
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		
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.		
32. All powers under the following legislation: The Food Act 1984 (Residual Parts) The Food and Environment Protection Act 1985 The Food Safety and Hygiene (England) Regulations 2013 The Food Safety Act 1990 The Food Safety (Amendment) Regulations 2004 The Food Information Regulations 2014 And any legislation amending those pieces of legislation and any regulations made thereunder may only be exercised by the following officers:		
Officer	Extent of Authority	
Public Health Manager – Food and Health and Safety	To approve the making of emergency orders under the Food and Environment Protection Act 1985	
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	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: 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.	
Regulatory Support Officer within the meaning of the Food Law Code of Practice (England) 2015	Unofficial controls only	
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.

Proper Officer Functions

STATUTE AND FUNCTION	PROPER OFFICER
LOCAL GOVERNMENT ACT 1972	
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	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	Head of Democratic Services
Section 100D(1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Head of Democratic Services
Section 100G – To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like	Head of Democratic Services
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	Head of Legal Services
Section 229(5) – The officer to certify photographic copies of documents	Head of Legal Services
Section 233 – The officer to receive documents required to be served on the authority	Head of Legal Services
Section 234(1) and (2) – The officer to authenticate documents on behalf of the authority	Head of Legal Services
Section 238 – The officer to certify printed copies of byelaws	Head of Legal Services
Section 248 – The officer responsible for the keeping of the roll of freemen	Head of Democratic Services
Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The	Head of Democratic Services

officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	
Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Monitoring Officer
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	Head of Legal Services
Section 16 – Notices requiring details of interest in land	Head of Legal Services
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	Monitoring Officer
LAND CHARGES ACT 1975	
Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Head of Legal Services
LOCAL GOVERNMENT (CONTRACTS) ACT 1997	
Certification of relevant powers to enter into contracts	Head of Legal Services