

OFFICER DELEGATION SCHEME

SCHEME OF DELEGATION TO OFFICERS

Under S101 of the Local Government Act 1972 the Council has delegated certain 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 Contract 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. The Chief Executive, Director 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 Chief Executive 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.
9. This Schedule shall be maintained by the Corporate Director as the Statutory Monitoring Officer.

SCHEDULE 1

FUNCTIONS DELEGATED TO THE CHIEF EXECUTIVE

	FUNCTIONS	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.		Leader/Group Leaders/Corporate Director as appropriate
4.	To represent the Council at strategic meetings of local authorities and other bodies, organisations and partnerships.		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 Council 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 budget 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.		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 of rent does not exceed £10,000.		Liberata UK Limited/ Head of Legal Services.
17.	Other The powers delegated to the Chief Executive 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

	FUNCTIONS	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 appointment to posts on the budgeted establishment.		Liberata UK Limited/Chief Executive
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 (S92 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/Chairman of the Pendle Twinning Association/Group Leaders and Chief Executive 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.		
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 these 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 S104 of the Licensing Act 2004.		
Anti-Social Behaviour, Crime and Policing Act 2014			
17.	To serve Community Protection Notices under S43 of the Anti-Social Behaviour, Crime and Policing Act 2014.		
18.	To serve Closure Notices under S76 to 93 of the Anti-Social Behaviour Crime and Policing Act 2014.		
19.	Other 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 CHIEF FINANCE OFFICER

	FUNCTIONS	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.	Chief Executive
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 £1,000.		
4.	To settle all compensation payments in connection with the compulsory acquisition of land.		Liberata UK Limited
5.	To settle insurance claims		Chief Executive/Corporate Director
6.	To authorise surveillance etc., operations in accordance with the Regulation and Investigatory Powers Act 2000.		
7.	Other The powers delegated to the Chief Finance Officer 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 authorisation.		

SCHEDULE 4

FUNCTIONS DELEGATED TO THE HEAD OF LEGAL SERVICES

	FUNCTIONS	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.		Chief Executive/Corporate Director/Service Manager
3.	To apply for injunctions under S187B or S214A of the Town and Country Planning Act 1990.		Chief Executive/Corporate Director/Service Manager
4.	To select and instruct Counsel.		Chief Executive/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 Chief Executive/Corporate Director/Service Manager where appropriate.
6.	To enter into contracts for works or services.		At the request of the Chief Executive 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/Chief Executive/Corporate Director
9.	To require information as to interests in land (S16 Local Government (Miscellaneous Provisions) Act 1976).		Chief Executive/Corporate Director/Service Manager
10.	To issue Enforcement Notices, Planning Contravention Notices,		Chief Executive/Corporate

	Breach of Condition Notices, Completion Notices, Stop Notices and Notices under S215 of the Town and Country Planning Act 1990.		Director/Service Managers
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 S26, S118 or S119 of the Highways Act 1980 to create, extinguish or divert a public footpath or bridleway where:		
(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.		
(b)	The proposals satisfy the legislative criteria and the local criteria for an order or orders to be made.		
(c)	The application (if one exists) has agreed to pay the full administrative cost for making the necessary public path order or orders.		
13.	To confirm a public path order made under the powers set out in this Schedule 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 S223 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.	Other 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 17) 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

	FUNCTIONS	CONDITIONS OR RESERVATIONS	CONSULTATIONS
	Waste Services Delegations		
1.	To produce and maintain the Local Civic Emergency Plan.		Chief Executive
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 S43 of the Anti-Social Behaviour Act 2003 in respect of graffiti and fly posting.		
4.	To serve notices under S215 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.		
5.	To serve notices and take consequential action, including carrying out work in default.		
6.	To issue formal cautions		
7.	To recommend to the Head of Legal Services that legal proceedings be taken.		
8.	<p>To exercise statutory powers of investigation and entry (including obtaining warrants) 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>		

	The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016		
9.	To act as lead officer on behalf of the Council in respect of health and safety matters.		
10.	To deal with all matters relating to highway verge and tree maintenance.		Corporate Director/Relevant County Council Departments
Anti-Social Behaviour Delegations			
11.	To issue fixed penalty notices in relation to dropping of litter and dog fouling on land.		
12.	To issue fixed penalty notices pursuant to S43 of the Anti-Social Behaviour Act 2003 in respect of graffiti and fly posting.		
13.	<p>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 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>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</p>		
Parks and Cemeteries Delegations			
14.	To manage the Council's cemeteries including the issue of grave plots.		

15.	<p>Other</p> <p>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.</p>
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SCHEDULE 6

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

	FUNCTIONS	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 S16 of the Local Government (Miscellaneous Provisions) Act 1976.		
Homelessness Delegations			
16.	To administer and determine applications for assistance under the Bond Guarantee Scheme.		
17.	To determine the Council's legal duty towards households who are homeless or at risk of homelessness.		
18.	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 Delegations		
19.	To determine how to allocate donations made to the Refuge.		
	Environmental Health Delegations		
20.	To issue permits under the PPC Regulations.		
21.	To issue licences, registrations, consents and 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.		
22.	To issue licences under Caravan Sites and Control of Development Act 1960.	These are only considered after a planning consent has been granted.	
23.	To issue licences and registration relating to acupuncture, tattooing, ear-piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982.		
24.	To issue consent for the operation of a loudspeaker under the Noise and Statutory Nuisance Act 1993.		
25.	To discharge enforcement functions under Part 1 of the Health and Safety at Work Act 1974.		
26.	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.		
27.	To determine whether land is		

	"contaminated land" as defined in S78A of the Environmental Protection Act 1990.		
28.	In respect of any functions carried out within the Service Area to serve notices under S16 of the Local Government (Miscellaneous Provisions) Act 1976.		
29.	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.		
30.	Subject to paragraph 31 below to:		
(a)	Decide applications for authorisations, registration, consents, licences or certificates of approval.		
(b)	Serve notices and take consequential action, including carrying out work in default.		
(c)	Issue simple cautions.		
(d)	Recommend to the Head of Legal Services that legal proceedings be taken.		
(e)	Exercise statutory powers of investigation and entry (including obtaining warrants).		
(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: Public Health Acts 1936 and 1961 Prevention of Damage by Pests Act 1949 Shops Act 1950 Pet Animals Act 1951		

<p> Caravan Sites and Control of Development Act 1961 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 1986 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 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 </p>		
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<p>1953</p> <p>Animals Act 1971</p> <p>Guard Dogs Act 1975</p> <p>Dangerous Dogs Act 1991</p> <p>Protection of Animals Act 1911</p> <p>Products of Animal Origin (Third Country Imports) (England) (No. 3) Regulations 2004</p> <p>PPC Act 1999 and the Environmental Permitting Regulations 2007</p> <p>Noise Act 1996</p> <p>The Regulatory Reform Order (Housing Assistance) 2003</p> <p>Anti-Social Behaviour Act 2003</p> <p>Public Health (Control of Disease) Act 1984</p> <p>The Control of Pollution (Amendment) Act 1989</p> <p>Clean Neighbourhoods & Environment Act 2005</p> <p>The Health Acts 2006 and 2009</p> <p>Mobile Homes Act 2013</p> <p>European Communities Act 1972</p> <p>EC Regulations 178/2002, 852/2004, 853/2004, 854/2004, 882/2004 and 2073/2005</p> <p>Food Safety Act (Amendment) Regulations 2004</p> <p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Food Information Regulations 2014</p> <p>The Sunbeds (Regulation) Act 2010</p> <p>The Smoke and Carbon Monoxide Alarm (England) Regulations 2015</p> <p>The Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014</p> <p>Private Water Supply Regulations 2016 and 2017</p> <p>Housing and Planning Act 2016</p> <p>and the following categories an officer may exercise any of the powers in this paragraph on behalf of the Service Manager:-</p> <p>Environmental Health Manager</p> <p>Residential Team Leader</p> <p>Commercial Team Leader</p> <p>Domestic Noise Officer</p>		
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	Environmental Health Officers (as authorised in accordance with the competency framework) Technical Officers (as authorised in accordance with the competency framework) Contaminated Land Officer		
31.	<p>All powers under the following legislation:-</p> <p>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</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
	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 30 above.
	Three 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 30 above.
	Authorised Officer within the meaning of the Food Law Cod 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 30 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.

32.	Other The powers delegated to the Housing, Health and Economic Development Services Manager in this Schedule 6 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 7

FUNCTIONS DELEGATED TO THE NEIGHBOURHOOD SERVICES MANAGER

	FUNCTIONS	CONDITIONS OR RESERVATIONS	CONSULTATIONS
1.	To be the Council's lead officer on Town and Parish devolution matters.		Chief Executive/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.		
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 with 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
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.		
12.	To take necessary actions to protect access to the countryside.		
14.	To carry out flood defence works on ordinary watercourses.		

16.	To serve notices and take consequential action, including carrying out of work in default, under the Land Drainage Act 1991.		
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.		
The powers delegated to the Environmental Services Manager in this Schedule 7 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

	FUNCTIONS	CONDITIONS OR RESERVATIONS	CONSULTATIONS
	Planning and Building Control Delegations		
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>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 made within the statutory neighbour consultation period; • Residential development for more than 0.5 hectares or 10 or more dwellings (excluding reserved matters and variation of conditions); • Non-residential development for 1000 sq. m. or more where the site is 1 hectare or more (excluding reserved matters and variation of conditions); • A Councillor, within 	The Chairman of the Area Committee in which the application site is situated.

		<p>21 days of notification via the weekly list of the submission of the application, requests that it be determined by the Area Committee;</p> <ul style="list-style-type: none"> • The application is called in to the Committee by the Chairman of the Area Committee in which the application site is situated. 	
2.	To determine whether it is expedient to issue Planning Enforcement Notices, Planning Contravention Notices, Breach of Condition Notices and Stop Notices.	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.	Ward Councillors in whose area the site lies and the Chairman of the Area Committee.
3.	To give an opinion whether a proposed development would be affected by the Environmental Impact Regulations.		
4.	To serve requisitions for information and planning contravention notices.		
5.	To remove or obliterate illegally placed placards or posters.		
6.	To operate the building regulations systems, including the issue of all notices, certificates etc.		
7.	To deal with dangerous buildings.		
8.	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.		
9.	To authorise on his behalf the Council's Planning Enforcement Officer to enter onto any land for the		

	purpose of carrying out his/her duties.		
10.	To deal with any matters under the Health Act 2006.		
11.	To serve Community Protection Notices under Section 43 of the Anti-Social Behaviour, crime and policing Act 2014.	Not where a Councillor request that the decision be determined by the Area Committee. Chair and Ward Councillors to be informed prior to service of Notices.	Ward Councillors in whose area the site lies and the Chairman of the Area Committee.
Taxi Licensing Delegations			
12.	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.
13.	To consider the award of penalty points under the Council's Penalty Points Scheme relating to hackney carriages and private hire vehicles.		
Licensing Delegations			
14.	To deal with applications for house to house street collection permits.		
15.	To deal with the following matters concerning liquor licensing under the		

(a)	Licensing Act 2003:-		
(b)	Applications for personal licences.	If no representations made.	
(c)	Applications for premises licences/club premises certificates.	If no representations made.	
(d)	Applications for provisional statements.	If no representations made.	
(e)	Applications to vary premises licences or club certificates.	If no representations made.	
(f)	Applications to vary the designated personal licence holder.	In all cases except where the police have made representations.	
(g)	Requests to be removed as a designated personal licence holder.	In all cases except where the police have made representations.	
(h)	Application for the transfer of premises licences.	In all cases except where the police have made representations.	
(i)	Applications for interim authorities.		
(j)	To decide whether a complaint is irrelevant, frivolous or vexatious.		
(k)	To decide whether to object when the Council is a consultee.		
(l)	To deal with minor variations to premises licences and club premises certificates under Sections 41A to 41C of the Licensing Act 2003.		
(m)	To agree to adjournments of any hearing being held under the Licensing Act 2003.		
	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.		
16.	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.		
17.	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 S247 of that Act.		
18.	To deal with all administrative and enforcement matters relating to Street Trading under the Local Government (Miscellaneous Provisions) Act 1982.		
19.	To decide whether to suspend premises licences under Section 120 of the Licensing Act 2004 due to non-payment of fees.		
20.	<p>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 S4 of the Scrap Metal Dealers Act 2013. • To determine applications for licences for Scrap Metal Dealers in circumstances where it is the intention to refuse or cancel a licence under S4 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. 		
21.	<p>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 		

	<ul style="list-style-type: none"> • The Pet Animals Act 1951 • The Animal Boarding Establishments Acts 1966 and 1970 • The Zoo Licensing Act 1981 • The Dangerous Wild Animals Act 1976 		
22.	To register second-hand dealers under the County of Lancashire Act 1984.		
23.	To register motor salvage operators.		
24.	<p>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>		
25.	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.		
Anti-Social Behaviour Delegations			
26.	To serve notices under S215 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.		
27.	Other The powers delegated to the Planning, Building Control and Licensing Services Manager in this Schedule 6 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 HEAD OF LEGAL SERVICES, THE HEAD OF DEMOCRATIC SERVICES, THE ENVIRONMENTAL SERVICES MANAGER, THE CHIEF FINANCE OFFICER, THE HOUSING, HEALTH AND ECONOMIC DEVELOPMENT SERVICES MANAGER, THE NEIGHBOURHOOD SERVICES MANAGER AND THE PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

	FUNCTIONS	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/Chief Executive or Corporate Director
3.	To make temporary appointments within budgetary provision.		Liberata UK Limited/Chief Executive or Corporate Director
4.	<p>To implement the Council's personnel policies in respect of:</p> <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 Council 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.		Head of Legal Services (where applicable)
9.	To exercise powers of inspection, testing and entry under Acts, Regulations or Byelaws within the remit of the Service Area.		Head of Legal Services (where applicable)
10.	To sign statements of truth in connection with insurance and civil litigation proceedings.		Head of Legal Services (where applicable)
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.	Chief Executive or Corporate Director
12.	To appear before and give evidence on any legal or tribunal proceedings and to authorise members of staff to do.		Head of Legal Services (where applicable)

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 or a committee, then, the Chief Executive shall be authorised to take such action as he considers appropriate in consultation so far as practicable with:
 - (i) the Leader of the Council; 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 Chief Executive 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 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;
 - (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 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)	Chief Executive
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	Chief Finance Officer
Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	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	Corporate Director

be given by two local government electors for the Borough.	
Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given.	Monitoring Officer
Section 96 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.	Head of Democratic Services
Section 100B(2) – The officer to exclude from committees, sub-committees or council meetings 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 or council 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 or council 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 or the council.	Head of Democratic Services
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.	Head of Democratic Services
Section 115 – The officer to whom money properly due from officers shall be paid.	Chief Finance Officer
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies.	Chief Finance Officer
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).	Chief Finance Officer
Section 223 – Authorising officers to attend court and	Head of Legal Services

appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984	
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.	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 247 – The officer responsible for the keeping of the roll of freemen.	Head of Democratic Services
Schedule 12 (paragraphs 4(2)(b) and 4(3)) – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent.	Head of Democratic Services
Schedule 14 (paragraph 25(7)) – The officer responsible for the certification of true copies of resolutions.	Head of Democratic Services
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 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	
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 available for	Monitoring Officer

inspection.	
To make payments of relevant allowances in accordance with the council's Members' Allowances Scheme.	Chief Finance Officer
To defray expenses of any members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough.	Chief Finance 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 Act 2003	
Section 25 – Requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserves	Chief Finance Officer
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. Nominated Proper Officers: Dr. John Astbury Ms Kate Brierley Dr. Steven Davenport Gee Dr. Kenneth Lamden Dr. Nicola Schinaia	Chief Executive 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.	Head of Legal Services
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).	Chief Finance Officer
Section 116 – Notification to the council's auditor of any meeting to be held under Section 115 of the 1998 Act (meeting to consider any report of the Chief Finance	Chief Finance Officer

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.	Chief Finance Officer
Local Government (Contracts) Act 1997	
Certification of relevant powers to enter into contracts.	Head of Legal Services
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