

# OFFICER SCHEME OF DELEGATION

## Introduction

1. Decisions need to be taken as near to the point of service delivery as possible.
2. Officers need to be empowered but accountable and responsible.
3. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
4. This scheme does not supersede or negate specific delegations that have previously been granted to officers under specific Council or Executive reports and/or policy where that delegation is not specifically included in this scheme.
5. Delegated powers must be exercised in accordance with the Council's Contract Procedure Rules and Financial Regulations, the Constitution, the legislative responsibilities and policies or relevant Council policies and procedures.
6. Officers must have authority to act in line with their levels of responsibility within the organisation.
7. All existing and newly appointed managers and staff must be advised in writing of their personal levels of delegated authority by their service area (this can be by provision of copies of the relevant documentation).
8. Where an officer is going to be absent for a period of time, the relevant line manager may re-allocate responsibility for that officer's functions as necessary to ensure the effective discharge of those functions during the officer's absence.
9. The Corporate Management Team must ensure that this scheme is fully implemented, monitored and reviewed and any changes required are reported to the Monitoring Officer.
10. Any reference in this constitution, and in any separate record of specific delegations, to delegation to an officer at Chief Officer or Deputy Chief Officer level (regardless of post title) includes any Chief Officer or Deputy Chief Officer (as the case may be) who for the time being has responsibility for the department, service area or function in question, whether that officer is employed by the Council or placed at the disposal of the Council by another council pursuant to an agreement under s113 of the Local Government Act 1972.
11. Any reference in this constitution, and in any separate record of specific delegations, to delegations to Chief Officers or Deputy Chief Officers as a class (regardless of post titles) includes Chief Officers or Deputy Chief Officers (as the case may be) whether those officers are employed by the Council or are placed at the disposal of the Council by another council pursuant to an agreement under s113 of the Local Government Act 1972.

## Statutory Officers and Proper Officers

The Council is obliged to designate officers to Statutory Posts and designate a Proper Officer in connection with some functions of the Council.

<b>Function</b>	<b>Designated Officer</b>	<b>Named Deputy where Proper Officer is absent or unable to act</b>
Head of Paid Service – s.4 Local Government and Housing Act 1989	Rose Rouse (Chief Executive)	
s.151 Officer – s.151 Local Government Act 1972	Richard Gibson	Gemma-Louise Wells
Monitoring Officer – s.5 and s.5A Local Government and Housing Act 1989	Howard Culshaw	
Data Protection Officer	Howard Culshaw	
Returning Officer – s.35 (1) Representation of People Act 1983	Rose Rouse	Richard Gibson
Electoral Registration Officer – s.8 of the Representation of People Act 1983	Returning Officer	
Proper Officer for the purposes of s.89 (1) Local Government Act 1972 in relation to Notice of Casual Vacancy	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.115 (2) Local Government Act 1972 in relation to money due from Officers	S. 151 Officer	Deputy S. 151 Officer
Proper Officer for the purposes of s.83 (1) to (4) Local Government Act 1972 in relation to witness and receipt of Declaration of Office	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.84 (1) Local Government Act 1972 in relation to receipt of resignation of an elected Member	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.225 Local Government Act 1972 in	Chief Executive	Monitoring Officer

relation to deposit of documents		
Proper Officer for the purposes of s.228 (3) Local Government Act 1972 in relation to accounts for inspection by any Member of the Council	S.151 Officer	Deputy S. 151 Officer
Proper Officer for the purposes of S 146 (1) (a) and (b) Local Government Act 1972 in relation to declarations and certificates with regard to transfer of securities	S.151 Officer	Deputy S. 151 Officer
Proper Officer for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.234 Local Government Act 1972 in relation to the Authentication of Documents.	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.229 (5) Local Government Act 1972 in relation to certification of photographic copies of documents	Monitoring Officer	
Proper Officer for the purposes of s.234 Local Government Act 1972 in relation to authentication of documents	Monitoring Officer	
Proper Officer for the purposes of s.238 Local Government Act 1972 in relation to certification of byelaws	Monitoring Officer	
Proper Officer for the purposes of s.248 Local Government Act 1972 in relation to officer who will keep the Roll of Honorary Freemen	Chief Executive	Monitoring Officer

Proper Officer for the purposes of schedule 12 paragraph 4 (2) (b) Local Government Act 1972 in relation to signing the summons to a Council Meeting	Chief Executive	Monitoring Officer
Proper Officer for the purposes of schedule 12 paragraph 4 (3) Local Government Act 1972 in relation to receipt of notice about address to which summons is to be sent	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.30 (5) Local Government Act 1974 in relation to giving notice that copies of an Ombudsman's report are available	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.4.1 Local Government (Miscellaneous Provisions) in relation to certifying copies of evidence of resolutions and minutes of proceedings	Chief Executive	Monitoring Officer
To act as a Proper Officer (Authorising Officer) under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (as amended by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012)	Head of Paid Service Head of Legal Director of Place S.151 Officer	
To act as the Council's Senior Information Risk Officer.	S.151 Officer	Deputy S.151 Officer

## **Specific Functions delegated to the Chief Executive**

1. To exercise the powers and responsibilities of the Head of the Paid Service for the purpose of Section 4 of the Local Government & Housing Act 1989. As Head of Paid Service, derives the following directly from Statute:
  - a) The manner in which the discharge by the Council of its different functions is coordinated;
  - b) The number of grades of staff required by the authority for the discharge of its functions and amending the approved establishment and staffing structure provided any changes are consistent with the budget and policy framework;
  - c) The re-organisation of the authority's staff and;
  - d) The appointment, dismissal and proper management of the authority's staff, other than in relation to Statutory Officers
2. As Head of Paid Service:
  - a) To have authority over all other officers (except the Monitoring Officer and the Section 151 Officer when either act in that capacity) and to be able to approve sub delegation of any of their functions in their absence;
  - b) To formulate employment practices and procedures; and
  - c) To deal with routine matters of day-to-day administration, management and control of matters which are necessary for the proper performance of the Chief Executive's terms of appointment.
3. To take all such action as the Chief Executive considers appropriate in any emergency (as defined by the Chief Executive) including power to make or approve any necessary and urgent arrangements within the powers of the Council for the protection of persons or property in any civil or other emergency, where it is not possible for such action to be approved through normal council procedure. Such action shall be reported to the next meeting of the Executive or Full Council (as appropriate) except where a matter of confidentiality arises and such reporting shall not take place until the expiry of the confidentiality aspect.
4. To exercise all the Council's functions in emergency or urgency situations which, in the Chief Executive's opinion, seriously affect the functions of the Council and/or the well-being of the Council's area. Such action will be taken in consultation with the Leader.
5. To exercise all the functions of the Proper Officer of the Council under all legislation in relation to both executive and non-executive functions except where that legislation or this Scheme delegates such functions to another named officer.
6. To formulate and co-ordinate professional advice to all parties in the decision-making process and, in particular, to advise on strategic and corporate policy and to ensure that appropriate arrangements are in place to give effect to the strategies, plans and policies of the Council.

7. To sign on behalf of the Council any document necessary to give effect to any decision of the Council in relation to both executive and non-executive functions.
8. To act as the authorised representative of the Council in respect of (1) its membership of any limited company to give effect to any decision of the Council in relation to executive functions or (2) any partnership or (3) any external bodies which are required by statute or the Council.
9. To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, Committees or sub-committees and/or Officers acting under delegated powers.
10. To act as Proper Officer of the Council, except where legislation or this Constitution names another officer or the Council has specifically determined otherwise.
11. To settle employee and industrial relations matters, including issues involving the application or rates of pay, conditions of service or other staffing benefits etc.
12. To determine and issue to officers policies, procedures and general guidelines for the management of human resources in the areas of recruitment and planning; training and development; employee relations; health, safety and welfare (including occupational health); pay and performance, equality of opportunity and other staff related matters.
13. To affix the Council's seal to any document.
14. To determine approved duties in respect of the Members' Allowances scheme.
15. To make appointments to Committees in accordance with s.16 of the Local Government and Housing Act 1989.
16. To exercise any delegated function in the absence of the named designated officer or nominate another.
17. To discharge any function of the Council not otherwise delegated to Chief Officers, or other named officers.
18. To sign a contract under hand which is in excess of £100,000 in value and to execute any contract to which the Common Seal of the Council is to be affixed.
19. To review allocation of functions amongst members of the Corporate Management Team and amend designations of Directors and other Chief Officers.
20. Precautionary suspension of staff.
21. To act as the Returning Officer and undertake all functions relating to elections and electoral registration.
22. Under the Data Protection Act 2018 and Freedom of Information Act 2000, and guided by the Access to Information Procedure Rules, to decide appeals as to whether applications by councillors for access to material should be refused.
23. To authorise Closure Orders up to 48 hours under Sections 76-93 of the Anti-social Behaviour, Crime and Policing Act 2014.

#### 24. Limits, controls and conditions

- a) After consultation with the relevant Group Leader to authorise any amendments or changes to the appointment of councillors and substitute councillors to committees or outside bodies.
- b) After consultation with the Director of Resources (S.151 Officer) to approve supplementary estimates up to and including £10,000 (up to an overall limit of £50,000 in any one year) and to report details of all such approvals to the Executive on a quarterly basis.

#### **Delegations to all Corporate Management Team**

1. To act in all matters within area of responsibility and to undertake the proper day- to-day management and control of the service area and the functions administered by that service, including staffing matters accordance with the Constitution, Council's policies and procedures.
2. To delegate, designate and authorise particular officers as for the purposes of any statutory provisions, including, where necessary or convenient, and having regard to any professional or technical requirements required, an officer who is not an employee of the Council.
3. To exercise the Council's statutory powers to enter land and premises for the purposes of inspection, survey, carrying out of any works, investigation of any matter, the taking of samples or for any other purpose for which the Council is so authorised and to give such notices as may be required.
4. To take any emergency action for the safety of the public or the protection of the property of the Council and where there is the likelihood of significant harm or damage arising, in consultation with the Chief Executive.
5. To prepare and submit responses to national and local consultation exercises in consultation with the relevant Portfolio Holder.
6. To receive petitions relating to his/her functions and responsibilities, provided that the matter is reported to the next appropriate Council or Executive meeting.
7. In accordance with the Contract Procedure Rules procure goods and services and sign contracts.
8. Statutory Notices - to make any determination and issue any decision under statutory provisions, issue and withdraw any statutory notices or make any order relating to matters that fall within their functions and responsibilities.
9. Statutory Notices - to carry out works in default of compliance with statutory notices and orders.
10. Enforcement - to take any enforcement action including but not limited to, the issue of cautions, the issue of fixed penalty notices (but not including prosecution proceedings) in relation to matters that fall within their functions and responsibilities.

11. Significant Proceedings and Litigation – to issue any prosecutions or recovery action in relation to matters that fall within their functions and responsibilities in consultation with the Head of Legal.
12. Seizure of goods – where the legislation provides, to seize or effect the forfeiture of goods, assets and other products that fall within their functions and responsibilities.
13. In the absence of the Chief Executive, the functions of the Chief Executive and the Head of Paid Service will be the responsibility of the Director, Head of Service or Service Manager authorised for that purpose by the Chief Executive.
14. In the absence of a Head of Service (referred also as service managers), any Head of Service may discharge a delegation in that absence.
15. To take any action in respect of lost or uncollected property found on any Council owned or managed buildings or premises under the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.
16. To make minor or consequential amendments to approved Policy where there has been a change in the legislation requiring an amendment, in consultation with the relevant Portfolio Holder or Chair of relevant Committee and the Head of Legal.
17. To deal with any matter relating to staff including appointment, disciplinary action including dismissal and organisational restructuring other than any matter which is expressly reserved to Council or Chief Officer Employment Panel, provided that they are in accordance with approved personnel policies, procedures and within the approved budgetary framework in consultation with the Director of Resources.
18. To sign a contract under hand which is in excess of £10,000 but less than £100,000 in value.
19. To negotiate non statutory fees that generate a net income of up to £1,000 where it would otherwise be forgone, in consultation with the Portfolio Holder.
20. To negotiate non statutory fees that generate a net income of over £1,000 where it would otherwise be forgone, in consultation with s151 Officer and Portfolio Holder.
21. To develop and promote partnership working to sustain and improve the vitality and viability of the Borough, in consultation with the Portfolio Holder.
22. To negotiate with contractors who have been awarded contracts or leases post award.
23. To draw up and issue Service Level Agreements associated with partnership working, external grants, income generation, sponsorship and other mutually agreed working arrangements.
24. To sign information sharing agreements with external partners and agencies, in consultation with the Data Protection Officer.
25. To make Grant awards.

## **Delegations to the Director of Place**



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 Corporate Plan.
5. To make appointment to posts on the budgeted establishment in consultation with the Chief Executive.
6. To approve alterations to staffing establishments within approved budgets.
7. To pay compensation up to £1,000 in cases of apparent maladministration (S92 Local Government Act 2000).
8. To deal with all relevant matters relating to health and safety and emergency planning.
9. To approve the letting and usage of committee and other rooms in the Town Hall to outside organisations.
10. To authorise surveillance etc., operations in accordance with the Regulation of Investigatory Powers Act 2000.
11. To attest the affixing of the Common Seal to documents sealed on behalf of the Council.
12. 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.
13. To be the Council's lead officer on Town and Parish devolution matters.
14. To issue Community Protection Warnings and serve Community Protection Notices under S43 of the Anti-Social Behaviour, Crime and Policing Act 2014 in response to behaviour that is having a detrimental impact on the amenity of others and is unreasonable.
15. To agree terms and enter into leases at Market Rent of land and buildings and to negotiate and agree all new and ongoing terms relating to such agreements.
16. Disposal of land and building – to agree terms and sell any land or buildings of the council at Market Value up to a value of £100,000 which are declared surplus to requirements in accordance with criteria and procedures agreed from time to time by the Executive.
17. Acquisition of land - to agree terms and acquire the freehold or leasehold of any land and buildings where the estimated Market Value of the freehold up to £100,000 or annual rent does not exceed £10,000.

18. To settle all compensation payments in connection with the compulsory acquisition of land.
19. These powers delegated to the Director of Place 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.

### **Delegations to the Director of Resources**

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, in consultation with the Chief Executive. To make arrangements for the provision and operation of any treasury management, banking and insurance services including the authorisation of any transaction or other financial instrument, provision of indemnities, agreement of terms for the raising, repayment or cancellation of loans, investments and leases.
2. To carry out audits of the Council's accounting records and control systems.
3. To settle insurance claims in consultation with the Chief Executive, Director of Place and Head of Legal.
4. To authorise surveillance etc., operations in accordance with the Regulation and Investigatory Powers Act 2000.
5. To determine and approve the Council Tax base.
6. To make arrangements for the collection of Business Rates and Council Tax including any prosecution and enforcement and the determination of any discretionary reliefs.
7. To administer the local Council Tax Support Scheme, including the determination of any discretionary elements within approved policy.
8. To take any action to recover debts due to the Council and to write-off any outstanding sums owed to the Council up to £10,000 in respect of each debt, or to an unlimited amount in respect of any debt where the debtor is bankrupt or in liquidation.
9. To approve the use of the Council's coat of arms (including those of predecessor Councils) and the use and display of civic regalia.
10. To take necessary action in furtherance of the Council's twinning activities in consultation with the Mayor, Chair of Pendle Twinning Association, Group Leaders and Chief Executive.
11. To approve the flying of flags on civic and other occasions.
12. To issue Community Protection Warnings and serve Community Protection Notices under S43 of the Anti-social Behaviour, Crime and Policing Act 2014 in response to behaviour that is having a detrimental impact on the amenity of others and is unreasonable.
13. To serve Closure Notices under S76 to 93 of the Anti-social Behaviour, Crime and Policing Act 2014.

14. To approve exemptions to Contract Procedure Rules up to the value of £100,000.
15. To sign a contract under hand which is in excess of £100,000 in value and to execute any contract to which the Common Seal of the Council is to be affixed.
16. These powers delegated to the Director of Resources 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.

#### **Delegations to the Head of Legal Services**

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 in consultation with Chief Executive/Director of Place/Director of Resources/Service Manager.
3. To apply for injunctions under S187B or S214A of the Town and Country Planning Act 1990 in consultation with Chief Executive/Director of Place/Director of Resources/Service Manager.
4. To select and instruct Counsel in consultation with Chief Executive/Director of Place/Director of Resources/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/Director of Place/Director of Resources/Service Manager where appropriate.
6. To enter into contracts for works or services at the request of the Chief Executive, Director of Place or Director of Resources.
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 in consultation with the Chief Executive, Director of Place and Director of Resources.
9. To require information as to interests in land (S16 Local Government (Miscellaneous Provisions) Act 1976) in consultation with Chief Executive/Director of Place/Director of Resources/Service Manager.
10. 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 applicant (if one exists) has agreed to pay the full administrative cost for making the necessary public path order or orders.

11. 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.
12. 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.
13. To administer cautions to defendants in criminal proceedings.
14. To give consents under covenants, leases etc.
15. To be the Council's Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000.
16. To sign a contract under hand which is in excess of £100,000 in value and to execute any contract to which the Common Seal of the Council is to be affixed.
17. To issue Community Protection Warnings; serve Community Protection Notices; sign Public Spaces Protection Orders; sign Closure Orders up to 24 hours; authorise Civil Injunction proceedings; and authorise applications for Criminal Behaviour Orders under the Anti-social Behaviour, Crime and Policing Act 2014.
18. 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.
19. These powers delegated to the Head of Legal Services (other than the function regarding the Regulation of Investigatory Powers Act 2000 in paragraph 15) 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.

## **Delegations to the Head of Environmental Services**

### **Waste Services Delegations**

1. To produce and maintain the local civic continuity and emergency plans in consultation with the Director of Place/Chief Executive.
2. To issue fixed penalty notices in relation to dropping of litter under the Environment Protection Act 1990 and dog fouling on land under the Anti-social Behaviour, Crime and Policing Act 2014.
3. To issue fixed penalty notices pursuant to breach of Community Protection Notices under S43 of the Anti-social Behaviour Act 2003.
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. 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:

Notices under S215 of the Town and Country Planning Act 1990.  
 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

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 in consultation with the Director of Place and relevant County Council Departments.

### **Anti-Social Behaviour Delegations**

11. To issue fixed penalty notices in relation to dropping of litter under the Environment Protection Act 1990, PSPOs and dog fouling on land under the Anti-social Behaviour, Crime and Policing Act 2014.
12. To issue fixed penalty notices pursuant to breach of Community Protection Notices under S43 of the Anti-Social Behaviour Act 2003.
13. To:-
  - (a) Serve notices and take consequential action, including carrying out work in default.
  - (b) To issue formal cautions.
  - (c) To recommend to the Head of Legal Services that legal proceedings be taken.
  - (d) To exercise statutory powers of investigation and entry (including obtaining warrants).

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

### **Parks and Cemeteries Delegation**

14. To manage the Council's cemeteries including the issue of grave plots.

### **Outdoor Recreation Delegations**

15. To manage the Council's sports pitches, including hirings.
16. To authorise surveillance etc., operations in accordance with the Regulation of Investigatory Powers Act 2000.

### **Traffic and Highways Delegations**

17. 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.
18. To take necessary actions to protect access to the countryside.
19. These powers delegated to the Head of Environmental Services 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.

### **Delegations to the Head of Housing and Environmental Health**

#### **Housing Regeneration Delegations**

1. To approve all private sector housing grants.
2. To determine applications for financial assistance with regard to loans and grants.
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.

14. To serve all contractual notices and certificates in relation to building and civil engineering contracts.
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 Homelessness Prevention Budget or Petty Cash.

### **Pendle Women's Refuge Delegation**

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 issue Community Protection Warnings and serve Community Protection Notices under S43 of the Anti-Social Behaviour, Crime and Policing Act 2014 in response to behaviour that is having a detrimental impact on the amenity of others and is unreasonable.
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.
28. To determine whether land is "contaminated land" as defined in S78A of the Environmental Protection Act 1990.

29. In respect of any functions carried out within the Service Area to serve notices under S16 of the Local Government (Miscellaneous Provisions) Act 1976.
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.
31. Subject to paragraph 32 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  
 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 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\*



(\* Authorisations for Food Safety matters should be read in conjunction with the individual officers Competency Framework Assessment.)

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) (No. 3) Regulations 2004  
PPC Act 1999 and the Environmental Permitting Regulations 2007  
Noise Act 1996  
The Regulatory Reform Order (Housing Assistance) 2003  
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  
The Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014  
Private Water Supply Regulations 2016 and 2017  
The Private Water Supplies (England) (Amendment) Regulations 2018  
Housing and Planning Act 2016  
The Electrical Safety Standards in The Private Rented Sector (England) Regulations 2020  
Police and Criminal Evidence Act (PACE) 1984  
Animal Welfare Act 2006  
The Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018  
The Environmental Permitting (England and Wales) Regulations 2016  
Minimum Energy Efficiency Standards Regulations 2015  
Environment Act 2021

and the following categories of officer may exercise any of the powers in this paragraph on behalf of the Head of Service:-

Residential Team Leader  
 Commercial Team Leader  
 Scientific Officer  
 Housing Enforcement Officers  
 Environmental Health Officers  
 Technical Officers  
 Contaminated Land Officer

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:-

<b>Officer</b>	<b>Extent of Authority</b>
Commercial Team Leader	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.
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 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 30 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.

### **Delegations to the Head of Economic Growth**

33. To deal with all administrative matters relating to private street works.

34. To deal with all administrative matters relating to cycling and cycleways.
35. To deal with all administrative matters relating to public realm highway improvements.
36. To deal with all administrative matters relating to sett paving stone and flagging works and verge hardening schemes.
37. To administer traffic management schemes in consultation with County Council.
38. To deal with all administrative matters relating to street naming in consultation with County Council.
39. 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.
40. To carry out flood defence works on ordinary watercourses.
41. To serve notices and take consequential action, including carrying out of work in default, under the Land Drainage Act 1991.
42. These powers delegated to the Head of Economic Growth 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.

## **Delegations to the Head of Planning, Building Control and Regulatory Services**

### **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 in consultation with the Chair of the area committee in which the application is situated. Not where:-
  - 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 21 days of notification via the weekly list 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 Chair of the Area Committee in which the application site is situated.
2. To determine whether to accept planning applications under the Planning Acts when the Acts indicate the Council can decline to entertain them.

3. To determine whether it is expedient to issue Planning Enforcement Notices, Planning Contravention Notices, Breach of Condition Notices and Stop Notices in consultation with Ward Councillors in whose area the site lies and the Chair of the Area Committee. 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.
4. To give an opinion whether a proposed development would be affected by the Environmental Impact Regulations.
5. To serve requisitions for information and planning contravention notices.
6. To remove or obliterate illegally placed placards or posters.
7. To operate the building regulations systems, including the issue of all notices, certificates etc.
8. To deal with dangerous buildings.
9. 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.
10. 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.
11. To authorise the Building Control Manager to issue Building Control decisions.
12. To deal with any matters under the Health Act 2006.
13. To issue Community Protection Warnings and Notices under Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014 in consultation with Ward Councillors in whose area the site lies and the Chair of the Area Committee. 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.
14. To carry out the Council's responsibilities under Part 4 Chapter 3 of the Localism Act in relation to Assets of Community Value.

### **Licensing Delegations**

15. To issue, renew, suspend or revoke hackney carriage and private hire, vehicle, driver and operator licences and where the decision relates to the age limit of a vehicle, in consultation with the Chair of 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 Chair of the Taxi Licensing Sub-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 Chair of the Taxi Licensing Sub-Committee.
16. To award of penalty points under the Council's Penalty Points Scheme relating to hackney carriages and private hire vehicles.

17. To deal with applications for house to house street collection permits.
18. 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) Application for the transfer of premises licences in all cases except where the police have made representations.
  - (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 under the Licensing Act 2003.
  - (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.
19. 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.
20. 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.
21. To deal with all administrative and enforcement matters relating to Street Trading under the Local Government (Miscellaneous Provisions) Act 1982.
22. To decide whether to suspend premises licences under Section 120 of the Licensing Act 2004 due to non-payment of fees.
23. To deal with the following matters under the Scrap Metal Dealers Act 2013:-

- 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.

To issue licences and registrations under:-

- The Breeding of Dogs Act 1973
- The Breeding and Sale of Dogs (Welfare) Act 1999
- The Pet Animals Act 1951
- The Animal Boarding Establishments Acts 1966 and 1970
- The Zoo Licensing Act 1981
- The Dangerous Wild Animals Act 1976

24. To register second-hand dealers under the County of Lancashire Act 1984.

25. To register motor salvage operators.

26. 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) 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:-

Scrap Metal Dealers Act 2013

Local Government Miscellaneous Provisions Acts 1976 and 1982

Vehicle (Crime) Act 2001

27. 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**

28. 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.

29. These powers delegated to the Head of Planning, Building Control and Regulatory Services 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.