

## **PART 3**

### **RESPONSIBILITY FOR FUNCTIONS**



**Allocation of Cabinet Portfolios, specific powers of individual Cabinet Members and approval of the scheme of delegation of executive powers to Officers**

The Leader is responsible for approving the following –

- Allocation of Cabinet Portfolios;
- Specific powers of individual Cabinet Members;
- Approval of the Scheme of Delegation of executive powers to Officers.

**1 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS**

Function		Decision making body	Membership	Delegation of functions
1	Any function under a Local Act other than the functions set out in 2 to 4 below	Cabinet	Between two and ten members of the Council	As determined by the Leader-
2	Cumbria Act 1982, sections 18 & 19	Council	All members	-
3	Cumbria Act 1982, sections 20 & 21	Planning Committee	Eighteen members of the Council	Onward delegation to officers as detailed in Section 3 of this Part of the Constitution
4	Cumbria Act 1982, sections 48 & 49	Lake Administration Committee	24 members (16 District Councillors, 5 Parish Councillors from Windermere Parish Council and 3 Parish Councillors from Lakes Parish Council)	-
5	The determination of an appeal against any decision made by or on behalf of the authority	Council	All Members	Full delegation to Chief Executive and Directors
6	Any function relating to contaminated land	Cabinet	Between two and ten members of the Council	Full delegation to the Corporate Director (Communities) as determined by the Leader
7	The discharge of any function relating to the control of pollution or the management of air quality	Cabinet	Between two and ten members of the Council	Full delegation to the Corporate Director (Communities) as determined by the Leader
8	The service of an abatement notice in respect of a statutory nuisance	Cabinet	Between two and ten members of the Council	Full delegation to the Corporate Director (Communities) as determined by the Leader

Function		Decision making body	Membership	Delegation of functions
9	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Cabinet	Between two and ten members of the Council	As determined by the Leader -
10	The inspection of the authority's area to detect any statutory nuisance	Cabinet	Between two and ten members of the Council	Full delegation to the Corporate Director (Communities) as determined by the Leader
11	The investigation of any complaint as to the existence of a statutory nuisance	Cabinet	Between two and ten members of the Council	Full delegation to the Corporate Director (Communities) as determined by the Leader
12	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Planning Committee	Eighteen members of the Council	Full delegation to the Corporate Director (Communities) as determined by the Leader
13	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Between two and ten members of the Council	Full delegation to the Chief Executive and all Directors as determined by the Leader
14	The appointment of any individual –	Human Resources Committee	Nine members of the Council	-
(a)	To any office other than an office in which he is employed by the authority;			
(b)	To any body other than:-			
	- the authority; - a joint committee of 2 or more authorities; or			

Function		Decision making body	Membership	Delegation of functions
(c)	- to any committee or sub-committee of such a body, and the revocation of any such appointment.			
15	The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.	Cabinet	Between two and ten members of the Council	Onward delegation to Chief Executive and all Directors as determined by the Leader
16	Functions under Sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements.	Cabinet	Between two and ten members of the Council	As determined by the Leader-

## 2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee		Membership	Functions	Delegation of Functions
1	Planning Committee	18 members of the Council	<p><u>Planning and Conservation</u></p> <p>Functions relating to town and country planning and development control as specified in Part (a) Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) (a copy of that schedule is reproduced as Schedule 1 to this part of the Constitution).</p> <p>The functions of imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted, which is the responsibility of the Committee, and to determine any other terms to which such approval, consent, licence, permission or registration is subject. The function of determining whether, and in what manner, to enforce any failure to comply with an approval, consent, licence, permission or registration which is the responsibility of the Committee, or any condition.</p> <p>The function to amend, vary, modify or revoke any approval, consent, licence, permission or registration which is the responsibility of the Committee, or any condition, limitation or term thereof.</p>	Onward delegation to officers as detailed in Section 3 to this Part of the constitution

Committee		Membership	Functions	Delegation of Functions
			<u>Other Functions</u> Those miscellaneous functions relating to the public rights of way exercisable by a District Council as specified in Part (I) Schedule 1 of the Functions Regulations	
			Power to make limestone pavement orders	
			Powers relating to the protection of important hedgerows	
			Powers relating to the preservation of trees	Full delegation to the Corporate Director (Communities)
			Powers relating to complaints about High Hedges (Part 8 of the Anti-Social Behaviour Act 2003)	Full delegation to the Corporate Director (Communities)
2	Licensing Committee	Fifteen members of the Council	Taxi, gaming, entertainment, and miscellaneous licensing Functions exercisable by a District Council relating to licensing and registration as set out in Part (b) Schedule 1 of the Functions Regulations.  The functions of imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted, which is the responsibility of the Committee, and to determine any other terms to which such approval, consent, licence, permission or registration is subject.	Onward delegation to officers as detailed in Section 3 to this Part of the Constitution

Committee		Membership	Functions	Delegation of Functions
			<p>The function of determining whether, and in what manner, to enforce any failure to comply with an approval, consent, licence, permission or registration which is the responsibility of the Committee, or any condition.</p> <p>The function to amend, vary, modify or revoke any approval, consent, licence, permission or registration which is the responsibility of the Committee, or any condition, limitation or term thereof.</p>	
			<p><u>Health and Safety</u> Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer</p>	Onward delegation to officers as detailed in Section 3 to this Part of the Constitution.
			<p><u>Other Functions</u> Power to close food businesses.</p>	Onward delegation to officers as detailed in Section 3 to this Part of the Constitution.
			<p>In respect of all the functions listed in Parts B &amp; C of Schedule 1 of the Functions Regulations to hear and determine any matter where an applicant for a licence or permit or an existing licence/permit holder has a right to appear before and be heard by the Committee</p>	Onward delegation to a three member Sub-Committee of Licensing Committee

Committee		Membership	Functions	Delegation of Functions
			The functions allocated to a Licensing Committee under the Licensing Act 2003.	Onward Delegation to a three Member Sub-Committee established under the provisions set out in the 2003 Act.
			Application for personal licence where an objection is made	Onward delegation to a three member Sub-Committee of Licensing Committee
			All applications for personal licences where there are unspent convictions	“
			Application for premises licence or club premises certificate where a representation is made	“
			Application for provisional statement where a representation is made	“
			Application to vary a designated premises licence or a club registration certificate where a representation is made	“
			Application to vary a designated premises supervisor where there is a police objection	“
			Application for transfer of a premises licence where there is police representation	“
			Application for an interim Authority where there is police representation	“
			All applications to review a premises licence or club premises certificate	“
			All determinations of a police objection to a temporary event notice	“
			All other applications for a personal licence, premises licence or club premises certificate or variation or transfer of such a licence	Onward delegation to officers as detailed in Section 3 to this part of the Constitution

Committee		Membership	Functions	Delegation of Functions
			All requests to be removed as a designated premises supervisor	"
			To determine whether a complaint is irrelevant, frivolous, vexatious, etc	"
			To determine applications for permits for more than four gaming machines in premises licensed under the Licensing Act 2003	Onward delegation to a three member Sub-Committee of Licensing Committee
			Functions under Part 8 of the Gambling Act 2005	Onward delegation to a three-Member Sub-Committee of the Licensing Committee and to Officers as set out in the Council's Statement of Gambling Licensing Policy
			The responsibility for setting of the licence fees under Section 212 of the Gambling Act 2005	-
			<p>Consideration of new applications under Section 34 of the Gaming Act 1968 which, if granted, would result in there being more than two machines per premises</p> <p>Consideration of new applications under Section 16 of the Lotteries and Amusements Act 1976</p> <p>Consideration of applications under Section 6 of the Gaming Act 1968</p>	Onward delegation to a three member Sub-Committee of Licensing Committee

Committee		Membership	Functions	Delegation of Functions
			Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (Section 13(2) of the Criminal Justice and Police Act 2001.	
			Power to determine applications for Sexual Entertainment Licences, policy, fees, terms and conditions made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.	Onward delegation to a three Member Sub-Committee of the Licensing Committee.
3	Human Resources Committee	Nine members of the Council	To deal with the discharge of duties under Paragraph 4.4 of the Officer Employment Procedure rules	Onward delegation to a 5 member sub-committee drawn from the Human Resources Committee (to include at least one Cabinet Member)-
			<p>Power to appoint staff, and to determine their terms and conditions of service, including procedures for dismissal (other than matters covered by the Employment Procedure Rules in Part 4 of this Constitution).</p> <p>To make recommendations to the Council with regard to the overall manpower requirements of the Council.</p> <p>To approve minor amendments to the staffing establishment of the Council provided that such changes do not have any significant financial impact and can be met from within existing budgets.</p>	<p>Onward delegation to officers.</p> <p>Onward delegation to the Chief Executive.</p>

Committee		Membership	Functions	Delegation of Functions
			<p>To formulate and implement uniform and equitable policies concerning all employees of the Council having regard, in particular, to:- the recruitment, training, promotion, grading, determination of wage and salary scales and conditions of service of employees and matters of a like nature; and the implementation of agreements, etc., concerning salaries, wages or conditions of service awarded or recommended by any of the appropriate wage negotiating bodies and the taking of any necessary consequential action in respect of employees not directly affected by an award or recommendation, subject to such delegation not exceeding a cost of £250,000 and/or affecting more than 25 members of staff.</p> <p>These restrictions do not apply in the case of approval of Human Resources Documents.</p>	Onward delegation to the Chief Executive, Corporate Director (Monitoring Officer) and the Assistant Director (Resources)
			<p>To implement all statutory superannuation, pension and compensation provisions.</p> <p>To consider appeals against grading, dismissal and grievance by employees.</p>	<p>Onward delegation to the Chief Executive and the Directors.</p> <p>Onward delegation. A panel of 3 members drawn from the committee</p>

Committee		Membership	Functions	Delegation of Functions
4	Audit Committee		<p>To review and provide independent assurance of the adequacy of the Council's internal control environment and Risk Management arrangements</p> <p>To approve Internal Audit's strategy and plans, and to receive reports arising from its work programme.</p> <p>To monitor the performance of Internal Audit and to regularly review its effectiveness.</p> <p>To receive annual plans and reports from External Audit.</p> <p>To oversee the Financial Reporting Process</p>	
5	Accounts Committee		Duty to approve the authority's statement of accounts	
6	Lake Administration Committee		The functions of the Council in relation to the management of land at Lake Windermere pursuant to an agreement dated 1 April 1975 between the Council, Windermere Parish Council and Lakes Parish Council as set out in Regulations 2(10) of the Functions Regulations	-

Committee		Membership	Functions	Delegation of Functions
7	Standards Committee	10 members – see Article 9 for constitution	The promotion and maintenance of high standards of conduct within the Council	
			To advise the council on the adoption or revision of its Code of Conduct and additional roles and functions as detailed in Article 9.03	
			To monitor and advise the council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under section 80 of the Local Government Act 2000	
			Assistance to members and co-opted members of the authority	
			To ensure that all members of the Council have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code	
			To determine appeals for an exemption against politically restricted post status of relevant post holders and to determine applications by any person or on its own initiative, to direct that any post not on the politically restricted list should be included on the list, pursuant to the provisions of the Local Government and Public Involvement in Health Act 2007	

Committee	Membership	Functions	Delegation of Functions
		<p><u>Other functions</u>            Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000</p>	<p>A Sub-Committee of the Standards Committee of 5 members (including at least 1 Independent Member (Chair), 1 Parish Member and 1 Elected District Member) will deal with functions in relation to hearings by Standards Committee relating to Standards of conduct of Members under any relevant provision of, or regulations made under, the Local Government Act 2000 – see full Terms of Reference.</p>

Committee		Membership	Functions	Delegation of Functions
			Functions in relation to initial assessment of allegations under Section 57A of the Local Government Act 2000 and under the Standards Committee (England) Regulations 2008	An Assessment Sub-Committee of the Standards Committee of three Members (including 1 Independent Member (Chair), 1 Elected District Member (and 1 Parish Member if it relates to a Parish Matter)) – see full Terms of Reference.
			Functions in relation to initial assessment of allegations under Section 57B of the Local Government Act 2000 and under the Standards Committee (England) Regulations 2008	A Review Sub-Committee of the Standards Committee of three Members (including 1 Independent Member (Chair), 1 Elected District Member (and 1 Parish Member if it relates to a Parish Matter)) – see full Terms of Reference.
			Power to recommend payments or the provision of other benefits in cases of maladministration, etc.	
			Power to shortlist and interview candidates and make recommendations to Council regarding appointment of Independent Members, and to make any appropriate recommendations with regard to Parish Members	An ad hoc sub-committee of three Members (to include 1 Independent Member)

## **A. TERMS OF REFERENCE OF THE STANDARDS ASSESSMENT SUB-COMMITTEE**

1. The Standards Assessment Sub-Committee will, subject to paragraph 2 below, initially assess all written complaints received via the Council's Monitoring Officer on the appropriate Complaints Form for such purposes or such written complaints submitted by a letter/e-mail/fax setting out all the relevant information required on such Complaints Form.
2. The Standards Assessment Sub-Committee will only have jurisdiction to consider written allegations that an elected or co-opted Member of the Council failed or may have failed, to comply with the Council's Code of Conduct for Members.
3. The Standards Assessment Sub-Committee is empowered to do one of the following:-
  - i. Decide that no action should be taken in respect of the allegation;
  - ii. Ask for additional information from the complainant on the allegation before concluding the initial assessment;
  - iii. If the allegation is likely to be reasonably substantiated and it is in the public interest to warrant Council funds being spent on a local investigation, refer the allegation to the Council's Monitoring Officer, with an instruction that he/she arranges for an investigation of the allegation or directs that he/she arranges training conciliation or such other appropriate action as might be permitted by the relevant legislation;
  - iv. If the matter is of a serious nature [for example, there is a potential conflict of interest with the Standards Committee or the potential sanction[s] available to the Standards Committee might not be sufficient for the Standards Committee to deal with], refer the allegation to the Standards Board for England for investigation;
  - v. Where the allegation is in respect of a person who is no longer a member of the Council, but is a member of another relevant authority [as defined in Section 49 of the Local Government act 2000], refer the allegation to the Monitoring Officer of that other authority; or
  - vi. To consider a report from the Monitoring Officer under Regulation 13 of the Standards Committee (England) Regulations 2008;

and shall authorise the Monitoring Officer to take all reasonable steps to implement its decision[s], with reasons, and to notify the person making the allegation and the member concerned of that decision.

4. In the event of there being a local investigation under paragraph 3[iii], the Standards Assessment Sub-Committee shall determine, with reasons, whether:

- i. It accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
  - ii. The matter should be referred for a hearing of the Standards Committee; or
  - iii. The matter should be referred to the Adjudication Panel for determination.
5. The Standards Assessment Sub-Committee shall also consider under Sections 1 and 2 of the Local Government and Housing Act 1989:-
- [a] any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of the Act; and
  - [b] upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.
6. **Composition** – the Standards Assessment Sub-Committee shall comprise of 3 members, one of whom shall be an independent member of the Standards Committee and who shall be Chairman of the Sub-Committee, one elected member of the Council and a Parish Councillor where the matter relates to a Parish/Town Council member.
7. **Quorum** – the quorum for a meeting of the Standards Assessment Sub-Committee shall be 3 members [with an independent member as Chairman] and at least one elected member of the Council and one Parish Councillor [when considering a matter relating to the conduct of a Parish Councillor].
8. **Frequency of Meetings** – the Standards Assessment Sub-Committee will meet as and when required to initially assess allegations received.

## **B. TERMS OF REFERENCE OF THE STANDARDS REVIEW SUB-COMMITTEE**

- 1. Upon the request of a person who has made an allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct, the Standards Review Sub-Committee will convene to review a decision of the Standards Assessment Sub-Committee that no action is taken in respect of that allegation.
- 2. The Standards Review Sub-Committee is empowered to take all decisions as per paragraph 3 of the Terms of Reference of the Standards Assessment Sub-Committee.

3. **Composition** – the Standards Review Sub-Committee shall comprise of 3 members of the Standards Committee who were **not** members of the Standards Assessment Sub-Committee. One of the members of the Review Sub-Committee shall be an independent member of the Standards Committee [and Chairman of the Sub-Committee], one elected member of the Council and a Parish Councillor where the matters relates to a Town/Parish Council Member.
4. **Quorum** – the quorum for the meeting of the Standards Review Sub-Committee shall be all 3 members.
5. **Frequency of Meetings** – the Standards Review Sub-Committee shall meet as and when required to review any decision of the Standards Assessment Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

#### **C. TERMS OF REFERENCE OF THE STANDARDS HEARING SUB-COMMITTEE**

1. In the event that a hearing of the Standards Committee is required, the Standards Hearing Sub-Committee shall be convened to hear and determine any allegations that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
2. **Composition** – the Standards Hearing Sub-Committee shall comprise 5 members of the Standards Committee. One of the members of the Hearing Standards Sub-Committee shall be an independent member of the Standards Committee [and Chairman of the Sub-Committee, one District elected Member and one Parish Councillor.
3. **Quorum** – the quorum for a meeting of the Standards Hearing Sub-Committee shall be 3 members [with an independent member as Chairman of the Sub-Committee], and at least one elected member of the Council and one Parish Councillor [when considering a mater relating to the conduct of a Parish Councillor].
4. **Frequency of Meetings** – the Standards Hearing Sub-Committee shall meet as and when required to hear and determine any allegation[s] against an elected member or co-opted member of the Council.

#### **D. TERMS OF REFERENCE FOR AN ACCOUNTS COMMITTEE**

1. **Statement of Purpose** – The purpose of the Accounts Committee is to approve the Council's Statement of Accounts and to receive reports from the Audit Commission on the Statement.
2. **Membership** – The Committee shall comprise a membership of (6) members subject to the rules of political balance and will comprise no more than 3 member of the Executive with the balance made up from Members of Overview & Scrutiny. The Committee will be a stand alone Committee of the

Council appointed by Council annually. Changes can be made by Council during the course of the year.

3. **Quorum** – The quorum for the Accounts Committee will be 3.

4. **Accounts Activity**

To approve the Council's Statement of Accounts.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

5. **Meetings** – The Committee will meet on an ad hoc basis as required.

#### **E. TERMS OF REFERENCE FOR AN AUDIT COMMITTEE**

1. **Statement of Purpose** – The purpose of the audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

2. **Membership** – The Committee shall comprise a membership of (5) members subject to the rules of political balance and will not comprise any member of the Executive. The Committee will be a stand alone Committee of the Council appointed by Council annually. Changes can be made by Council during the course of the year.

3. **Quorum** – The quorum for the Audit Committee will be 3.

All Audit Committee members will commit to receiving appropriate training and development necessary to fulfil their roles and will act in the interests of the Council and not on behalf of any political party, constituency, ward or interest group.

The Chairman of the Committee will present an Annual Report on the work of the Audit Committee to full Council.

4. **Audit Activity**

To approve (but not direct) Internal Audit's strategy, plan and performance.

To consider the Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and planned) and the level of assurance it can give over the council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider reports dealing with the management and performance of the providers of internal audit services.

To comment on the scope and depth of external audit work and to ensure it gives value for money

To consider specific reports as agreed with the External Auditor.

To liaise with the Audit Commission over the appointment of the Council's External Auditor.

To ensure that there is effective liaison between Internal Audit and External Audit to make the best use of audit resources.

To commission work from internal and external audit.

## 5. **Regulatory Framework**

To maintain an overview of the Council's constitution in respect of contract and financial procedural rules.

To review any issue referred to it by the Chief Executive or a Director, or any Council body.

To monitor the effective development and operation of risk management and corporate governance in the Council.

To monitor the effectiveness of the Code of Corporate Governance

To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and anti-corruption strategy and the council's complaints process.

To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.

To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council's compliance with its own and other published standards and controls.

6. **Accounts** – To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

7. **Annual Audit and Inspection Letter** – To receive the External Auditor's Annual Audit and Inspection Letter.

8. **Meetings**

Subject to there being sufficient business to transact, the Committee will meet at least four times a year. The External Auditor, Internal Auditor or Strategic Director (Resources) may request a meeting if they consider it necessary.

The Committee shall be able to meet privately and separately with the External Auditor and Internal Auditor as required.

9. **Authority and Access**

1. The Audit Committee has a right to request relevant information from Members/Officers and to seek their attendance at meetings.
2. The Audit Committee will not be able to transact the powers, functions and duties reserved to the Council, the Cabinet, Overview & Scrutiny and other regulatory committees.
3. the Audit Committee will have access to in-house legal and other professional advice.

Any Member, Officer or member of the public, who has any concern covered by the terms of reference of the Audit Committee may raise the matter with the Chairman of the Committee who will obtain, if necessary, relevant advice from the Monitoring Officer or Responsible Finance Officer before taking any action with regard to the same.



**SCHEDULE 1**

This is a copy of the detailed provisions contained in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

**FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE**

<b>A. Functions relating to town and country planning and development control</b>	
1 – 4	Revoked
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
7. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990.
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
9. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)(b).
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418.
12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
13. Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
14. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
15. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.

17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
18A. Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c.34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
24. Power to determine to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings Conservation Areas) Act 1990 (c.9).
25. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas Act 1990, as applied by section 74(3) of that Act.
26. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01.
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
29. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
<b>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</b>	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62).
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).

3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c.89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c.55), and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) as saved for certain purposes by article 3 (3) (c) of the Gambling Act Order.
7. Power to grant track-betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (d) and (4) of the Gambling Act Order.
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (e) of the Gambling Act Order.
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65) as saved for certain purposes by article 4 (2) (1) and (m) of the Gambling Act Order.
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32) as saved for certain purposes by article 5 (2) (a) and (3) of the Gambling Act Order.
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5 (2) (d) and (5) of the Gambling Act Order.
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c.13).
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c.54).
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12), section 79 of the Licensing Act 1964 (c.26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
14A. Functions relating to Licensing.	Sections 5 to 8 of the Licensing Act 2003 (c.17)
14AA Duty to comply with requirement to provide information to Gambling Commission	Section 29 of the 2005 Act
14AB Functions relating to exchange of information	Section 30 of the 2005 Act
14AC Functions relating to occasional use notices	Section 39 of the 2005 Act
14B Power to resolve not to issue a casino licence.	Section 166 of the Gambling Act 2005
14C Power to designate officers of a licensing authority as an authorised person for the purpose relating to premises	Section 304 of the 2005 Act
14CA Power to make order disapplying section 279 or 282 (1) of the 2005 Act in relation to specified premises	Section 284 of the 2005 Act
14D Power to institute criminal proceedings	Section 346 of the 2005 Act
14E Power to exchange information	Section 350 of the 2005 Act

14F Functions relating to the determination of fees for premises licences	The Gambling [Premises Licence Fees] [England and Wales] Regulations
14G Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the 2005 Act
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshments Houses Act 1969 (c.53)(f).
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66).
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70).
24. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990(c.16).
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c.69).
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishment Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70; section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37).
33. Power to license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).
34. Power to license knackers' yards	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House-to-House Collections Act 1939 (c.44).

40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
46A. Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway, and related powers	Sections 115E, 115F, and 115K of the Highways Act 1980.
47A. Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1944 (S.I. 1994/3082).
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
71. Power to register motor salvage operators	Part 1 of the Vehicle Crime Act 2001
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 (S1 2008/1961)

<b>C. Functions relating to health and safety at work</b>	
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974(c.37).
<b>D. Functions relating to elections</b>	
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c.2)(c).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that Part.
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary Elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24).
8. Duty to divide constituency into polling districts.	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16. Omitted by SI 2007 no.2593	
17. Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c.2).
18. Duty to consult on change of scheme for elections.	Sections 33(2), 28(2) and 40(2) of the 2007 Act.

19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act.
20. Duties relating to notice to Electoral Commission	Sections 36 and 42 of the 2007 Act.
21. Powers to alter years of ordinary elections of Parish Councillors	Section 53 of the 2007 Act.
22. Functions relating to change of name of electoral area	Section 59 of the 2007 Act.
<b>E. Functions relating to name and status of areas and individuals</b>	
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
<b>EA. Functions relating to community governance</b> (omitted by S.I. 2008/2787)	
<b>EB. Functions relating to community governance</b>	
1. Duty relating to community governance reviews	Section 79 of the 2007 Act
2. Functions relating to community governance petitions	Sections 80, 83 to 85 of the 2007 Act
3. Functions relating to terms of reference of review	Section 81(4) to (6) of the 2007 Act
4. Power to undertake a community governance review	Section 82 of the 2007 Act
5. Functions relating to making of recommendations	Sections 87 to 92 of the 2007 Act
6. Duties when undertaking review	Sections 93 to 95 of the 2007 Act
7. Duty to publicise outcome of review	Section 96 of the 2007 Act
8. Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98(1) of the 2007 Act
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act

<b>F. Power to make, amend, revoke, re-enact or enforce byelaws</b>	Any provision of any enactment (including a local Act), whenever passed, and Section 14 of the Interpretation Act 1978 (c.30)(a).
<b>FA Functions relating to smoke-free premises, etc</b>	
1. Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the 2006 Act
2. Power to authorise officers	Section 10(5) of and paragraph 1 of Schedule 2 to the 2006 Act
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act. Smoke-Free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (premises and enforcement) Regulations 2006 (SI 2006/3368)
<b>G. Power to promote or oppose local or personal Bills</b>	Section 239 of the Local Government Act 1972.
<b>I. Miscellaneous functions</b>	
<i>Part I: functions relating to public rights of way</i>	
1. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980 (c.66)
2. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980.
4. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
8. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.

19. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c.67).
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c.68).
30A. Power to authorise stepping up or diversion of highway	Section 247 of Town and Country Planning Act 1990 (c.8)
31. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
32. Power to extinguish public <i>rights</i> of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
<i>Part II: other miscellaneous functions</i>	
35. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38).
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c.70).
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
40. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c.42).
44. Duty to designate officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
44A. Duty to provide staff etc to person nominated by Monitoring Officer	Sections 82A(4) and (5) of the Local Government Association 2000.
44B. Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members)	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).
47A. Powers relating to complaints about high hedges.	Part 8 of the Anti Social Behaviour Act 2003.

48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000".
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13 (2) of the Criminal Justice Police Act 2001.
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006.
51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Land Act 2006.
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.
53. Power to institute proceedings for officer in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006.

### **3. SCHEME OF DELEGATION TO OFFICERS - COUNCIL, PLANNING, LICENSING, HUMAN RESOURCES AND LAKE ADMINISTRATION COMMITTEES**

#### **A General Principles**

With the exception of the power set out in B.1.1. below, the powers delegated to officers referred to in this part of the Constitution may only be exercised in accordance with the following general principles: -

1. All decisions taken must be in accordance with the approved budget, policy framework, financial procedure rules, contract procedure rules, or any other procedure rules or requirements of this Constitution.
2. Where, in the opinion of the officer making a delegated decision, that decision is likely to be contentious, before taking that decision the officer will consult with the relevant Committee Chairman or a more senior officer, as the case may be.
3. An officer may, instead of exercising a delegated power, refer the matter to a more senior officer, a committee or the full Council, as appropriate.
4. An authorised officer may sub-delegate any individual power subject to each such sub-delegation being copied to the Monitoring Officer.
5. The Chief Executive may exercise any delegations of a Director in the absence or default of that Director.
6. A Director may exercise any delegations of an officer, for whom that Director is responsible, in the absence or default of that officer.

#### **B General**

##### **1. To the Chief Executive**

- 1.1 To take such action on behalf of the Council as appears to him/her necessary in circumstances that prevent obtaining the necessary authority from an appropriate committee following consultation with the Leader of the Council or the Chairman of the committee concerned. Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity.

##### **2. To the Chief Executive and Directors**

- 2.1 To take all steps necessary to deliver the services for which they are responsible, subject to the incurring of expenditure up to a maximum of £50,000 on any one item identifiable within a specific budgetary provision or, to the extent that the Budget itself is not sufficiently specific, within the detailed estimates prepared for the purpose of the Budget.
- 2.2. To serve all notices relevant to statutory responsibilities that come within their area of responsibility and to take appropriate enforcement action in the event of default by persons served with such notices.
- 2.3. To respond to government and other consultation documents following appropriate consultation.

2.4 To take all steps necessary to implement decisions of the Council or its Committees.

2.5 To hear and determine homelessness and discretionary rate relief appeals.

**3. To the Assistant Director (Resources)**

3.1 To determine the Council Tax Base.

3.2 To administer the Members' Allowances Scheme.

**4. To the Corporate Director (Monitoring Officer)**

4.1 To be responsible for the conduct of all legal and quasi-legal proceedings entered into by the Council including the appointment of Counsel and professional witnesses as appropriate.

4.2 In consultation with the relevant Director, to prosecute in respect of any breach of legislation for which the Council, or an officer of the Council, is the responsible enforcement authority and it is in the interest of the Council and in the public interest to do so.

4.3. In consultation with the relevant Director, to issue civil proceedings in any appropriate Court or Tribunal for the recovery of a financial payment, possession or repossession of property, or to seek any other appropriate remedy.

4.4 To respond to all proceedings of a legal or quasi-legal nature issued against the Council with power, in consultation with the Assistant Director (Resources), to settle claims up to a maximum of £10,000 where there is a legal liability on the Council.

4.5 The preparation and completion of all documents required to give effect to decisions of the Council, its committees or sub-committees or officers acting under delegated authority.

4.6 To serve any notices required under contract not otherwise delegated to the Chief Executive or a Director and to take appropriate enforcement action in the event of default by persons served with such notices.

4.7 To give effect to the wishes of the Political Group Leaders in relation to the appointment of Members to Committees and Sub-Committees pursuant to Section 16, Local Government and Housing Act 1989.

4.8 Following consultation with the Chairman of the Council, alter the agreed starting times of Council meetings if the volume of business to be transacted appears to warrant a change.

4.9 To take all necessary administrative action in connection with the operation of elections and electoral administration.

4.10 To make such amendments as may be necessary from time to time to the South Lakeland Parliamentary Polling Districts Order 1999 and the South Lakeland District Polling Districts Order 1999.

**5. To the Corporate Director (Communities)**

5.1 Those functions relating to smoke-free premises, etc, as detailed under *FA, functions relating to smoke-free premises, etc*, as described within Schedule 1 Part 3 of the Constitution being functions not to be the responsibility of the Executive.

**6. To Each Assistant Director**

- 6.1 Authority to exercise any power delegated to his/her Director in this Section of Part 3 that relates to his/her area of responsibility.

**C Delegation from the Planning Committee**

**1. To the Corporate Director (Communities)**

- 1.1 To exercise all powers or duties conferred or imposed upon the Council, under or by virtue of any enactment, as Local Planning Authority for the District except those delegated to the Corporate Director (Monitoring Officer) in 2 below. This includes those functions relating to town and country planning and development control as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, with the following specific exceptions, which will remain with the Planning Committee:
- (a) Any specific application requested in writing by a Member to be determined by the Committee. Such request should be made within 21 days of the publication of the application on the weekly list.
  - (b) Any application contrary to the Development Plan, or other planning policies or guidance of the Council if the recommendation would be to approve the application.
  - (c) Any application at the discretion of the Director where the views of Members are considered to be desirable or essential.
  - (d) Any specific action to be taken at the discretion of the Director where the views of Members are considered to be desirable or essential.
  - (e) Any specific items requested by a Member where consideration of enforcement action is involved.
  - (f) Applications by Members of the Council, Officers, and other parties for which probity rules indicate that a Committee decision is required.
- 1.2 To exercise the powers of entry set out in Sections 196A, 196B, 196C, 214B, 214C, 214D, 324 and 325 of the Town and Country Planning Act 1990 (as amended) and Sections 88, 88A and 88B of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) and section 74 of the Anti Social Behaviour Act 2003 and Regulation 12 of the Hedgerow Regulations 1997 and to authorise all other planning officers whose duties require such powers.
- 1.3 To exercise all powers and duties conferred upon the Council relating to complaints about High Hedges (Part 8 of the Anti-Social Behaviour Act 2003).
- 1.4 Following consultation with the appropriate Ward Member(s), to make observations on behalf of the District Council to the Lake District National Park Authority, the Yorkshire Dales National Park Authority and Cumbria County Council in respect of footpath and bridleway proposals under the Highways Acts.
- 1.5 Following consultation with the appropriate Ward Member(s), to make observations on behalf of the District Council to the Lake District National Park Authority and the Yorkshire Dales National Park Authority in respect of footpath and bridleway proposals under the Town and Country Planning Acts.

- 1.6 To make representations to the Secretary of State on draft Orders for the stopping-up or diversion of highways to enable development to be carried out in accordance with planning permission.
- 1.7 To respond to consultations on proposed Modification Orders to the Definitive Footpath Map, providing no objections are raised to such proposals by the Ward Member(s).

## **2. To the Corporate Director (Monitoring Officer)**

- 2.1 To make and confirm orders authorising the stopping up or diversion of footpaths under the provisions of Section 257 of the Town and Country Planning Act 1990 and Sections 118 and 119 of the Highways Act 1980 where no objections or adverse comments are received from any interested consultee, member of the public, public utility or Ward Member.

## **D Delegation from the Licensing Committee**

### **1. To the Corporate Director (Communities)**

- 1.1 In respect of all the functions listed in Parts B and C of Schedule 1 of the Functions Regulations: -
- to determine all applications for authorisation, registration, licensing, the granting of permits and any other approval except the determination of applications where objections have been received;
  - to exercise the authorisation or appointment of officers to undertake specific powers in respect of any of the functions listed;
  - to exercise relevant enforcement powers; and
  - to enter on land and premises, for all statutory purposes in connection with their administration and enforcement.
- 1.2 To serve Hygiene Emergency Prohibition Notice, to close a food business.
- 1.3 To suspend Drivers' and Operators' Licences [with immediate effect, as appropriate. Where in interests of public safety to do so] under Sections 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.4 To suspend Hackney Carriage and Private Hire Vehicle Licences under Sections 60 and 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.5 All other applications for a personal licence, premises licence or club premises certificate or variation or transfer of such a licence.
- 1.6 All requests to be removed as a designated premises supervisor.
- 1.7 To determine all applications under the Gambling Act 2005 in accordance with the provisions of the Act.
- 1.8 To determine whether a complaint is irrelevant, frivolous, vexatious, etc.

## **2 To the Corporate Director (Communities) and the Public Health and Licensing Manager**

- 2.1 To act as authorised persons for the purposes of Section 304 and Part 15 of the Gambling Act 2005.
- 2.2 To review existing permits under Section 34 of the Gaming Act 1968 and to grant new applications for permits up to two machines per premises.
- 2.3 To review existing permits under Section 16 of the Lotteries and Amusements Act 1976.
- 2.4 To determine applications for permits for three or four gaming machine permits in premises licensed under the Licensing Act 2003.
- 2.5 To determine applications for advertising on Hackney Carriage Vehicles in accordance with approved conditions.

## **2 Other Officers**

- 3.1 The following Officers are designated as authorised persons for the purposes of the Licensing Act 2003:

Simon Rowley, Assistant Director (Communities)  
 Tracy Howard, Public Health and Licensing Manager  
 Andrew Smith, Principal Environmental Health Officer  
 David Spedding, Licensing Officer  
 Tony Houlihan, Licensing Officer  
 Phil Greenup, Environment and Housing Manager  
 Rachel Shaw, Environmental Protection Officer  
 Diane Clark, Environmental Health Officer  
 Daniel Russell, Environmental Health Officer  
 John Blythe, Environmental Health Officer  
 Sam Bracken, Safety Advisor  
 Brenda Collins, Environmental Health Officer  
 Graham Metcalfe, Environmental Health Officer  
 Hilary Fawcett, Environmental Health Officer

Patricia Harris, Environmental Health Officer  
 Shaun Senior, Environmental Protection Officer  
 Steven Richards, Environmental Protection Officer  
 Barry Jackson, Principal Planning Officer

Sean Hall, Principal Environment and Housing Officer

## **E Delegations from the Human Resources Committee**

### **1. To the Chief Executive**

- 1.1 To undertake on behalf of the Council negotiations and discussions with trade unions and other staff organisations concerned with employees of the Council.

- 1.2 To settle any claim arising from consequent excess charges or loss of no claims bonus following incidents of damage, etc, to Officers' cars whilst on official business and subject to all cases of doubt being referred to the Committee.
- 1.3 To approve payments in the case of damage to employees' clothing and equipment to a maximum of £400.

## **2. To the Chief Executive and the Directors**

- 2.1 To manage and deal with all staffing, personnel and training issues below Chief Officer level including making changes within the establishment, within Directorate areas, provided that all decisions are within Council policies and approved budgets and within any general human resource management policies and procedures approved by the Chief Executive.
- 2.2 For the avoidance of doubt, staffing and personnel issues including appointments, promotions, discipline, leave, additional duties, ex-gratia payments for examination success, and car allowances.
- 2.3 Any changes in post proposed under 2.1 must be evaluated under the Job Evaluation Scheme and the final decision taken must be in accordance with that Scheme.

## **F Delegation from Lake Administration Committee**

### **1. To the Corporate Director (Monitoring Officer)**

- 1.1 To allocate existing moorings on the bed of Lake Windermere.
- 1.2 To grant or renew pleasure boat and boatmen's licences.
- 1.3 To decide on the appropriate category of encroachment in the event of a change of ownership and to prepare all necessary encroachment agreements.
- 1.4 To settle suitable charges with prospective users of holiday moorings for longer period lettings on Windermere.
- 1.5 To authorise the Lake Wardens or any other appropriate officer to be duly authorised officers of South Lakeland District Council under the Lake Windermere Byelaws 1986, or any statutory modification thereof.
- 1.6 In consultation with the Chairman and Vice-Chairman of the Committee, to approve an extension of a jetty, by not more than 3.0 metres, on an otherwise straightforward "like for like" replacement; and report such approvals to the following meeting of the Committee.
- 1.7 To make minor amendments to Lake fees and charges during the year, as required, in consultation with the Chairman and Vice-Chairman of the Committee.
- 1.8 To determine all encroachment, mooring and dredging applications which are not retrospective and within the Council's existing policy, those decisions to be reported to the earliest possible meeting of the Committee.

## 4 RESPONSIBILITY FOR CABINET FUNCTIONS

The Cabinet (6 members) will be responsible for all the functions and duties of the District Council which are specified in legislation, and which are not specifically reserved to the Council or any Committee elsewhere in this constitution.

The individual members of the Cabinet will have the following personal portfolios, as allocated by the Leader, and will exercise the powers and duties of the Cabinet within those areas, subject to the detailed rules on Access to Information Procedures (Part 4(2)) of this Constitution.

Any changes to the personal portfolios will be determined by the Leader. These will take effect from the date that the Proper Officer receives notification of such changes in writing. The Leader will also report any changes to the next appropriate meeting of Full Council.

### A Delegation to individual members of the Cabinet

The functions of the Cabinet detailed below shall be the responsibility of the individual members of the Cabinet who hold the portfolios listed below. The individual members shall give guidance to officers regarding decisions to be made under section 5 of the delegation scheme.

Each of the Portfolios indicated will take primary responsibility in their individual areas and work with other Cabinet members, officers and partners to ensure that cross cutting themes are being communicated effectively in all policies and projects and across all services.

**Cross cutting themes include partnership working; shared services, localism, equalities, children and young people, older people, carbon reduction, efficiency and needs led services.**

#### Promoting South Lakeland Portfolio – Leader

The development and review of the Council's 5 Year Strategy and Corporate Plan, aims and ambition. The promotion and marketing of SLDC including working with partners and stakeholders in the public and private sector, including at national, regional and sub-regional level. To act as an ambassador and advocate for the Communities of South Lakeland and promote One South Lakeland **and to take the lead on the development of the localism agenda.**

Nominated representative on the Cumbria Local Enterprise Partnership

#### Policies, Plans and Strategies:

- 5 Year Strategy
- Corporate Plan
- Strategic Planning Framework
- Council Communications and PR Strategy
- Community Strategy

#### Directorate Operational and Service Areas:

- Press & Public Relations
- Council Communication
- Local and Cumbria Strategic Partnerships
- Local Area Partnerships
- Relationships with Department of Communities and Local Government, Audit Commission and other authorities at a sub-regional, regional and national level.
- Strategy and Performance
- Partnerships with external Agencies

### **Communities and Well Being Portfolio – and Deputy Leader**

The relationship of the Council with its citizens; civic participation, the corporate plan objectives of supporting diverse communities; promoting healthy lifestyles; the well-being and fulfilment of personal potential; cultural strategy; community involvement; neighbourhood working; social inclusion, including Government, Equality and Consultation.

To generally support the Leader of the Council and to deputise in the absence of the Leader of the Council.

#### **Policies, Plans & Strategies:**

- Valuing Diversity (Equality & Diversity Policy)
- Health Promotion
- Leisure and Recreation Strategy
- Cultural & Arts Strategies
- Children's Services
- Member Training & Development Plan
- Member/Officer Protocols

#### **Directorate Operational and Service Areas:**

- Arts and Events
- Community Engagement
- Equality and Diversity
- Community Development
- Community Safety
- Grants
- Member Services & Committee Admin
- Member Training & Development
- CCTV
- Crime and Disorder Reduction Partnership
- Young People/Older People's projects
- Third Sector engagement
- Health Development
- Leisure and Recreation
- Museums
- Young People's play activities & facilities

### **Economy and Enterprise Portfolio**

Working in partnership to ensure a thriving and prosperous District within the context of the wider sub-region, through effective economic development, regeneration and transportation.

The Corporate Plan objective of promoting the economic well being of the area, economic development and related marketing and promotion, visitor and external relations; Transportation policies and Car Parks.

Supporting the Leader and working with Key Partners in the development of the Local Enterprise Partnership

To take the lead and work with other Cabinet Members on the Shared Services agenda.

**Policies, Plans & Strategies:**

- Economic Development Strategy
- Visitor Action Plan
- Regeneration
- Market Town Initiatives
- **Emergency Plan**

**Directorate Operational and Service Areas**

- Town Centre Management
- Business Support and Sector Development
- Inward Investment
- Visitor Management, Development and Caravan Sites
- Transportation
- Car Parks
- **Emergency Planning**
- **Corporate Health and Safety**

**Environment and Sustainability Portfolio**

The Corporate Plan objectives in relation to Environmental and Public Health, the promotion and improvement of the environment in a sustainable way, Waste Management and Recycling.

To take the lead and work with other cabinet members, officers and partners to ensure that sustainable development and environmental issues are being addressed effectively in all policies and projects and across all services, including: climate change/CO2 reduction, biodiversity, energy efficiency, procurement and environmental monitoring.

**Policies, Plans and Strategies:**

- Sustainability and biodiversity Policies
- Waste Management Strategy
- Public Health Policies
- Environment Protection Strategy
- Licensing and Statement of Gambling Policies

**Directorate Operational and Service Areas:**

- Land and Coastal Flood Protection
- Waste Management and Recycling
- Street Scene
- Parish Lighting
- Parks and Grounds Maintenance
- Environmental Protection
- Public Conveniences
- Public Health – including food safety and health & safety
- Cemeteries & Crematoria
- Licensing and Gambling

### **Housing and Development Portfolio**

The development of strategic policies in respect of housing both in the public and private sector with particular emphasis on affordable housing.

The development of all strategies in respect of policies relating to development control and the Local Development Framework.

Working in partnership to improve the standard, availability and affordability of housing in the District to meeting local needs championing these issues at national, regional and sub-regional level.

#### **Policies, Plans & Strategies**

- Spatial Planning
- Local Development Framework
- Housing Strategy

#### **Directorate Operational and Service Areas**

- Strategic Housing
- Lead Member for relationships with South Lakes Housing
- Conservation Champion
- Building/Development Control
- Land Charges

### **Policy, Performance and Resources Portfolio**

The development of strategic policy and implementation of the Council's response to the Use of Resources and Value for money requirements. The policies relating to and the management of the Council's financial resources, both internal and external. It relates to the Council's corporate objective to spend the community's money wisely and Council's strategies including the Asset Management Plan and Financial Strategies.

#### **Policies, Plans & Strategies:**

- Best Value Performance Plan
- Procurement Strategy
- Treasury Management Statement
- Medium Term Financial Plan
- Capital Strategy
- Budget Framework
- Asset Management
- Service Reviews
- **IT/Information/E-Government Strategy**
- **Customer Focus Strategy**
- **Workforce Development Plan**

#### **Directorate Operational and Service Areas:**

- Policy Development
- Budget Monitoring
- Research & Information Service
- Best Value
- Performance Management and data quality
- Asset Management
- Accountancy and Strategic Finance

- Payments and Admin
- Insurance & Risk Management
- Benefits Administration
- Council Tax Collection
- NNDR Collection
- Sundry Debtors
- Legal
- Customer Services
- Service Standards
- Workforce Planning, Training & Development
- Human Resource Services
- Corporate Complaints
- IT Services

## **5 DELEGATION TO OFFICERS FROM THE CABINET**

The delegation of executive powers to Officers is determined by the Leader and any changes will only take effect from the day the Proper Officer receives notification of any changes in writing.

### **A To the Chief Executive and all Directors**

1.1 There is delegated to the Chief Executive and to the Directors (“the Officers”) all the powers and duties of the Council necessary for the discharge of the Council’s Cabinet functions carried out within the Officer’s Directorate or area of responsibility.

### **1.2 To the Corporate Director (Monitoring Officer)**

The conduct of all legal and quasi-legal proceedings entered into by the Council in respect of executive functions, including the appointment of Counsel and professional witnesses as appropriate.

In consultation with the relevant Director to prosecute in respect of any breach of legislation for which the Council, or an officer of the Council is the responsible enforcement authority and it is in the interest of the Council and in the public interest to do so.

In consultation with the relevant Director, to issue civil proceedings in any appropriate Court or Tribunal for the recovery of a financial payment, possession or repossession of property, or to seek any other appropriate remedy.

To respond to all proceedings of a legal or quasi-legal nature issued against the Council with power, in consultation with the Assistant Director (Resources), to settle claims up to a maximum of £10,000 where there is a legal liability on the Council.

The preparation and completion of all documents required to give effect to decisions of the Cabinet, its committees or officers acting under delegated authority.

To serve any notices pursuant to statute or required under contract not otherwise delegated to the Chief Executive or a Director and to take appropriate enforcement action in the event of default by persons served with such notice.

To approve applications for anti-social behaviour orders either by the Police or by the Council. (This delegation is also with the Chief Executive).

2 There is not delegated to the Officers:-

- Any matter reserved by law or by the Constitution to the Council or to a Committee or Sub-Committee of the Council; or
- Any matter which in law may not be delegated to an Officer

3 The Officers may only exercise delegated powers in accordance with:-

- The Policy Framework approved by the Council.
- The Budget approved by the Council.
- The various Procedure Rules set out in Part 4 of the Constitution.
- Any statutory restrictions, statutory guidance or statutory Code of Practice; and
- Any professional standards or operational policies of the Council

4 In exercising delegated powers, the Officers shall act only within the revenue and capital budgets as approved by the Council, subject to any variation thereof that is permitted by the Financial Procedure Rules.

5 There is delegated to each Assistant Director authority to exercise any power delegated to his/her Director under this Part that relates to his/her area of responsibility. In addition each of the Officers may further delegate any function, which is delegated to that Officer under this Part, to other Officers. Every such sub-delegation shall be in writing, setting out the terms and conditions upon which that function is to be performed, and accountability for the performance of that sub-delegated function. The Officer making such sub-delegation shall copy the sub-delegation to the Monitoring Officer.

6 There are two types of decisions which may be taken by the Officers:-

- Executive Decisions; and
- Administrative Decisions

## 7 **Executive Decisions**

### **Consultation**

7.1 Before taking an Executive Decision, the Officer shall prepare a report setting out:-

- The identity of the Officer proposing to take the decision under delegated authority.
- The issue to be decided.
- Any restriction upon the publication of the report as if the decision was a decision falling to be made by a Committee or Sub-Committee of the Council in accordance with Sections 100 and 100A to 100K of the Local Government Act 1972.
- Any facts upon which any decision must be based.
- Any legislative requirements.
- Any relevant Council policy.
- Any relevant national or regional guidance.
- The alternative options available to the Officer.
- Any staffing and financial implications resulting from the options.
- Any legal implications.
- Any consultations undertaken and the views of the consultees.
- Any implications for any other area of the Councils activities.
- The portfolio area within which the issue falls; and
- The Officers proposed decision and the reasons supporting that proposal.

7.2 The Officer shall send a copy of the report to:-

- The relevant Cabinet Member whose Portfolio includes the issue to be decided, or, if that person is unavailable through illness, holiday or some other reason, or has a prejudicial interest in the issue, to the Leader of the Council, or such other Cabinet Member as he/she may nominate; and
- The Chief Executive, and all other Directors.

### **Objection**

7.3 The Cabinet Member or any of the other consultees may object to the report within five working days of receiving the same, by notifying the Officer of the objection and requesting the matter be referred to the Cabinet for determination.

7.4 If the Cabinet Member or consultee does not object to the decision, he/she shall return the report to the Officer duly signed within five working days of receiving the same.

### **Determination**

- 7.5 Where no objection has been received, the Officer may proceed to make his/her final decision as outlined in the report.
- 7.6 Where an objector has requested that the report be referred to the Cabinet, the Officer shall no longer have the power to take the final decision thereon. The report shall be included on the agenda for the next convenient meeting of the Cabinet and the Officer's proposed decision shall form the recommendation to the Cabinet.

### **Urgent Decisions**

- 7.7 Where an Officer is of the opinion that an Executive Decision for which he/she is responsible should be made urgently in order to prevent or reduce the risk of damage to persons or property, or to the interests of the Council, and that the urgency of the decision is such that it is not practicable to complete the Executive Decision-making process set out above, the Officer shall use his/her best endeavours, as far as the urgency of the matter permits, to carry out the consultation exercise set out in paragraph 7.2, but have the full power to take that Executive Decision notwithstanding that the full procedure has not been followed.
- 7.8 As soon as practicable after taking a decision under paragraph 7.7, the Officer shall complete a report complying with Paragraph 7.1 and include the reasons for the urgency and the final decision that has been taken, and that report shall be circulated to the Cabinet Member and other consultees and shall be included on the agenda for the next convenient meeting of the Cabinet.

### **Recording of Executive Decisions**

- 7.9 Upon making an Executive Decision, the Officer shall provide the Monitoring Officer with a written statement of the decision on the day that it is made.
- 7.10 Each Executive Decision shall be published, as far as practicable, on the next working day after it is made. The report on which the decision was made, subject to any requirement for confidentiality, shall also be published and made available for public inspection during normal office hours. The public shall have the right to copy, or be provided with a copy, of any part of that report upon payment of a reasonable copying and administrative charge in accordance with the Council's currently policy on such matters.

### **Call-In Mechanism**

- 7.11 Any Executive Decision made by an Officer under this Part 7 may be called-in in accordance with the provisions of Paragraph 15 of the Overview and Scrutiny Procedure Rules.

### **Accountability**

- 7.12 Officers are accountable to the Council for any Executive Decision that they make and may be required, together with the relevant Cabinet Member, to report to, and attend and answer questions from, an Overview and Scrutiny Committee in respect of any such decision.

## 8. **Administrative Decisions**

- 8.1 Administrative Decisions are those decisions taken by Officers as part of the day-to-day management of their Directorate and the functions for which their Directorate is responsible.
- 8.2 Officers do not have to prepare or publish a formal written report in respect of an Administrative Decision, but are responsible for ensuring that consultation, where appropriate, is undertaken with relevant officers, and where the decision involves staffing, with the Head of Human Resources.
- 8.3 There is no requirement to maintain a record of Administrative Decisions for the purpose of the Council or public access, or to report Administrative Decisions to a Committee or Sub-Committee, but Officers are responsible for retaining a record of Administrative Decisions which they take and the reasons for such decisions sufficient for audit and evidential purposes (for Judicial Review, Employment Tribunal, Ombudsman, District Audit, or other proceedings or investigation) and for ensuring that all those who need to know are promptly informed of the decision.
- 8.4 Officers are accountable to the Council for any Administrative Decision that they make and may be required to report to, and attend and answer questions from, an Overview and Scrutiny Committee in respect of any such decision.

### **B To the Director of Public Health**

To take action in accordance with the powers contained in:

- (i) Section 1, National Assistance (Amendment) Act 1951,
- (ii) Section 47 National Assistance Act 1948 (removal to suitable premises of persons in need of care and attention) as he/she considers appropriate and to appoint suitable qualified medical practitioners to act on his/her behalf.

### **C Regulation of Investigatory Powers Act 2000**

The following Officers are empowered to authorise the use of covert surveillance in accordance with the provisions of the Act and the Council's Surveillance Policy:-

The Chief Executive, all Directors, Assistant Directors, Public Health and Licensing Manager, Environment and Housing Manager, Client and Operations Manager, and Revenues and Benefits Manager.

### **D To the Assistant Director (Customer Focus), Revenues and Benefits Manager, Local Taxation Manager, Senior Local Taxation Officer, and Senior Recovery Officer**

To issue complaints and represent the Council in Council Tax and Non-Domestic Rates Recovery proceedings in the Magistrates Court.

## PROPER OFFICER APPOINTMENTS

### 1. CHIEF EXECUTIVE

#### Local Government Act 1972

- |     |                             |  |
|-----|-----------------------------|--|
| 1.1 | Section 100D(1)(a) & (5)(a) | To compile lists and identify background papers for reports for which he/she is responsible. |
| 1.2 | Section 248                 | Keeping of Roll of Freemen.  |

#### Local Government and Housing Act 1989

- |     |           |                          |
|-----|-----------|--------------------------|
| 1.3 | Section 4 | Head of the Paid Service |
|-----|-----------|--------------------------|

### 2. ASSISTANT DIRECTOR (RESOURCES)

#### Local Government Act 1972

- |     |                             |  |
|-----|-----------------------------|--|
| 2.1 | Section 100D(1)(a) & (5)(a) | To compile lists and identify background papers for reports for which he/she is responsible. |
| 2.2 | Section 115(2)              | Receipt of money from officers.  |
| 2.3 | Section 146(1)(a) & (b)     | Declaration of certificate with regard to securities.  |
| 2.4 | Section 151                 | Responsibility for the proper administration of the financial affairs of the Council.        |

#### Local Government Finance Act 1988

- |     |             |   |
|-----|-------------|---|
| 2.5 | Section 116 | To notify the Council's Auditor of a Council meeting. |
|-----|-------------|---|

### 3. STRATEGIC FINANCE MANAGER

- |     |  |
|-----|--|
| 3.1 | In the event of the Assistant Director (Resources) being absent or unable to act as the Proper Officer, to act in respect of the duties at 2.1 to 2.5. |
|-----|--|

#### 4. CORPORATE DIRECTOR (MONITORING OFFICER)

##### Local Government Act 1972

4.1	Section 13(3)	Parish Trustee.
4.2	Section 83(1) to (4)	Witness and receipt of declaration of acceptance of office.
4.3	Section 84	Receipt of declaration of resignation from office.
4.4	Section 88(2)	Convening of meeting of Council to fill casual vacancy in the office of Chairman.
4.5	Section 89(1)(b)	To receive notice of casual vacancy from two electors.
4.6	Section 100B(2) & (5)	Exclusion of reports from inspection by members of the public.
4.7	Section 100B(7)(c)	Supply to the press of copy documents.
4.8	Section 100C(2)	Summaries of minutes.
4.9	Section 100D(1)(a) & (5)(a)	To compile lists and identify background papers for reports for which he/she is responsible.
4.10	Section 100F(2)	Exclusion of Members' rights of access to documents containing exempt information.
4.11	Section 210	Residuary charity functions.
4.12	Section 225(1)	Deposit of documents.
4.13	Section 229(5)	Certification of photographic copies of documents.
4.14	Sections 234(1) & (2)	Authentication of documents.
4.15	Section 236(9)	To send copies of byelaws for parish records.
4.16	Section 236(10)	To send copies of byelaws to County Council.
4.17	Section 238	Certification of byelaws.
4.18	Schedule 12 para 4(2)(b)	Signature on summonses of Council meetings.
4.19	Schedule 12 para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent.
4.20	Schedule 14 para 25(7)	Certification of resolutions under para 25.
4.21	In the event of the Chief Executive being absent or unable to act as the Proper Officer, to act in respect of the duties at 1.2.	

Local Government Act 1974

- 4.22 Section 30 To give public notice of reports by the Local Commissioner (Ombudsman).

Local Government and Housing Act 1989

- 4.23 Section 5 Monitoring Officer

Representation of the People Act 1983

- 4.24 Section 8 Electoral Registration Officer.  
 4.25 Section 35 Returning Officer.  
 4.26 Section 81 To receive returns as to election expenses.

**5. ELECTORAL SERVICES MANAGER**Representation of the People Act 1983

- 5.1 Section 52(3) To act as deputy to the Electoral Registration Officer.
- 5.2 In the event of the Corporate Director (Monitoring Officer) being absent or unable to act, to act as the Proper Officer in respect of the duties at 4.5, 4.24, 4.25, and 4.26.

**6. SOLICITOR TO THE COUNCIL**

- 6.1 In the event of the Corporate Director (Monitoring Officer) being absent or unable to act as the Proper Officer, to act in respect of the duties at 4.2, 4.3, 4.6, 4.8, 4.9, 4.10, 4.13, 4.14, 4.15, 4.16, 4.17 and 4.20.

**7. DEMOCRATIC SERVICES MANAGER**

- 7.1 In the event of the Corporate Director (Monitoring Officer) being absent or unable to act as the Proper Officer, to act in respect of the duties at 4.4, 4.7, 4.18 and 4.19.

**8. CORPORATE DIRECTOR (COMMUNITIES)**Local Government Act 1972

- 8.1 Section 100D(1)(a) & (5)(a) To compile lists and identify background papers for reports for which he/she is responsible.
- 8.2 Section 191 Functions with respect to ordnance survey.
- 8.3 Section 212(1) & (2) To act as Registrar for Local Land Charges.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 8.4 Section 2 To receive on deposit lists of protected buildings.

Party Wall Etc Act 1996

- 8.5 Section 10(8) To act as appointing officer.

**9. PUBLIC HEALTH**

- 9.1 The appointment of the following persons from the Cumbria and Lancashire Health Protection Unit and NHS Cumbria for the purpose of acting as Proper Officer for the legislation identified in paragraph 9.3:
- (i) John Astbury
  - (ii) Sohail Ashraf
  - (iii) Steven Gee
  - (iv) Kenneth Lamden
  - (v) Kate Brierley
  - (vi) Jeff Scott
  - (vii) And other appropriate persons of the Cumbria and Lancashire Health Protection Unit
- 9.2 Proper Officer is defined in Section 74 of the Public Health (Control of Diseases) Act 1974 and in The Health Protection Legislation (England) Guidance 2010.
- 9.3. The Proper Office to take action in accordance with the powers contained in:
- (i.) The Public Health Act 1936, Section 84 and 85 (Cleansing or destruction of filthy or verminous premises, clothing and articles),
  - (ii.) The Public Health Act 1961, Section 37 (Disinfection of verminous articles offered for sale),
  - (iii.) The Public Health (Control of Diseases) Act 1984, Sections 48 (removal of dead bodies, 61 and 62 (powers of entry)
  - (iv.) The Health Protection (Notification) Regulations 2010, Regulations 2 (Duty to notify suspected disease, infection of contamination in patients) and 3 (Duty to notify suspected disease, infection or contamination in dead bodies).
- 9.4 Legal responsibilities and duties of local authorities in connection with communicable disease control and the protection of public health are derived from the provisions of,  
The Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008),  
The Health and Social Care Act 2008,  
The Health Protection (Local Authority Powers) Regulations 2010  
The Health Protection (Part 2A Orders) Regulations 2010) to make notifications and apply controls as required.