

# **Broxtowe Borough Council Constitution**

## **Chapter 3 – Part 1**

### **Scheme of Delegation**

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## Chapter 3 Part 1: THE SCHEME OF DELEGATION

### Introduction to the Scheme of Delegation

Under the Local Government Act 1972 and the Local Government Act 2000 the Council has arranged for the discharge of its functions and responsibilities by the Council bodies detailed below and as set out in the corresponding section of this Constitution:

- 1.1.1 The Council (Chapter 2 Part 1& 2);
- 1.1.2 The Cabinet (Chapter 2 Part 3);
- 1.1.3 Committees (Chapter 2 Part 8 -17);
- 1.1.4 Officers (Chapter 3 this Part 1 – the Officer Scheme of Delegation);

The exercise of delegated powers is subject to the restrictions set out at paragraph 3 below:

Where a power has been delegated, the Council, Cabinet or Committee, or in the case of an Officer Sub-Delegation, the delegating Officer, **or that person's nominated substitute** may still exercise that power in a particular instance if considered appropriate. Equally, any matter may be referred up to the source of the delegation for determination.

Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet, or a Committee/Sub Committee.

In the event of a restructure the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and the Head of Legal Services. Any use of the Chief Executive's exercise of this delegated power **over £25,000, which are not within existing budget must** be reported to the Council and/or to the Cabinet as soon as practicable.

### The Officer Scheme of Delegation

#### 1. Introduction to the Officer Scheme of Delegation

- 1.1 This Officer Scheme of Delegation (OSD) is for the Officers of the Council. 'Officers' are defined as all employees and staff employed or engaged by the Council to carry out its functions. It includes those under short-term, agency, or other non-employed situations. It does not apply to any person employed by contractors who are carrying out work or duties for the Council under contracts.

- 1.2 The OSD has been adopted by the Council and sets out the extent to which the powers and duties of the Council are delegated to Officers under the Local Government Act 1972, the Local Government Act 2000 (as amended) and all other powers enabling the delegation of Executive and Non-Executive functions to Officers.
- 1.3 The OSD is intended to provide a streamlined, clear and simple decision-making process and empower Officers to carry out their functions and deliver the Council's services within the Budget and Policy Framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Council's management team. The OSD should be interpreted widely.
- 1.4 All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- 1.5 In this OSD references to powers and functions of 'the Council' include the powers and functions of the Cabinet (Executive).
- 1.6 The delegations under this OSD are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- 1.7 An Officer to whom a power has been delegated may Sub-Delegate that power to another appropriate Officer(s) following consultation with the Chief Executive and Monitoring Officer. A record of any delegations shall be provided to the Monitoring Officer, Head of Legal and Head of Democratic Services for their records.
- 1.8 Where an Officer has delegated powers, the Council, the Cabinet, a Committee or a delegating Officer (as the case may be) can still exercise that power in a particular case if it considers it appropriate to do so. It remains open to an Officer not to exercise delegated powers and instead refer the matter up to the source of their delegated power for determination.

## **2. Functions which are Not Delegated**

- 2.1 This OSD does not delegate to Officers:
  - 2.1.1 any matter reserved to full Council by law or otherwise in accordance with this Constitution;
  - 2.1.2 any matter which by law may not be delegated to an Officer;
  - 2.1.3 any Key Decision;
  - 2.1.4 any matter expressly withdrawn from delegation by the Council, Committees, Leader or Cabinet or delegating Officer (as the case may be).

### **3. Restrictions**

3.1 The exercise of delegated powers by an Officer is subject to:

3.1.1 any statutory restrictions;

3.1.2 the Budget and Policy framework;

3.1.3 any provision of this Constitution including the Financial Regulations, Procurement Regulations and Procedure Rules;

3.1.4 any financial limits set out in the revenue or capital budgets except as set out in the Financial Regulations set out at Chapter 4 Part 1&2;

3.1.5 any policy set by the Council or its Committees, the Cabinet, the Leader or Chief Executive;

3.1.6 the Employee Code of Conduct;

3.1.7 consultation (as applicable).

### **4. Consultation and Liaison**

4.1 When exercising delegated powers **on non-routine matters**, Officers must consult **as considered appropriate, the relevant Portfolio Holder and/or the Leader and** give due regard to any advice received and **if considered appropriate**, keep Councillors and relevant other Officers properly informed of actions arising within the scope the delegation exercised.

### **5. Transfer of Functions**

5.1 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet, or a Committee/Sub Committee.

5.2 In the event of a restructure the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer. Any use of this delegated power must be reported to the Council and/or to the Cabinet as soon as practicable.

### **6. Proper Officer Functions and Delegations**

6.1 Officers designated by the Council as "Appropriate" or "Proper" Officer" for the purposes of any statutory function (including where necessary or convenient having regard to any professional or technical requirements of an Officer who is not an employee of the

Council) and their functions are set out at the Schedule of Proper Officer Functions & Delegations below.

## **7. The Council's Statutory Officers and Management Structure**

The Council shall engage such Officers as considered necessary for the discharge of its functions.

### *The Statutory Officers & The General Management Team*

7.1 The Council's Statutory Officers are:

7.1.1 The Head of Paid Service (Chief Executive);

7.1.2 The Deputy Chief Executive/Section 151 Officer;

7.1.3 The Monitoring Officer.

7.2 The Statutory Officers together with the Executive Director are the Council's 'Chief Officers' and comprise the Council's General Management Team.

### *The Senior Management Team*

7.3 The Senior Officers listed below are part of the Council's Senior Management Team and they have delegated authority within the terms of this Constitution for their areas of responsibility as set out further below, without limitation, at paragraphs 13 – 24.

7.3.1 Head of Legal Services & Deputy Monitoring Officer;

7.3.2 Head of Democratic Services and Deputy Monitoring Officer;

7.3.3 Head of Finance Services;

7.3.4 Head of Planning & Economic Development;

7.3.5 Head of Asset Management;

7.3.6 Head of Housing;

7.3.7 Head of Environment Services;

7.3.8 Head of Revenue, Benefits & Customer Services;

7.3.9 ~~Head of ICT and Corporate Services~~

7.3.10 **Head of Environmental Health, Licensing and Private Sector Housing**

7.3.11 ~~Head of Administrative Services;~~ **Head of ICT and Corporate Services**

7.3.12 ~~Chief Environmental Health Officer;~~

7.3.13 ~~Chief Communities Officer.~~ **Head of Communities and Crime**

7.3.14 **Head of Health and Safety and Emergency Planning.**

7.4 The following Senior Officers are also members of the Council's Senior Management Team:

7.4.1 ~~ICT and Business Transformation Manager;~~

7.4.2 Payroll and Job Evaluation Manager;

7.4.3 ~~Health and Safety and Emergency Planning Manager;~~

7.4.4 Communications, Cultural and Civic Services Manager.

7.4.5 Human Resources Manager;

7.4.6 Commercial Manager.

7.5 The Senior Officers of the Council are those who comprise the Senior Management Team as well as those who report directly to a Member of General Management Team as listed at paragraph 7.3 and 7.4.

## **8. Delegation of General Powers**

8.1 The delegation to Chief Officers and Senior Officers shall include:-

8.1.1 All powers under all present and future legislation relevant to their areas of responsibility and the discharge of their duties and functions, including all powers incidental and/or conducive to that legislation, their areas of responsibility and the discharge of their duties and functions. All such functions must be managed in accordance with Council policies, strategies and procedures and all applicable law. It shall be the responsibility of each chief Officer to liaise with their senior Officers as to the discharge of their delegated functions to ensure it aligns with corporate policy.

8.1.2 The power to authorise the exercise of the delegated powers of decision by such other Officers as may be deemed appropriate for the proper and efficient performance of the work. A record of any delegations shall be provided to the Monitoring Officer and Head of Legal and Head of Democratic Services (The Deputy Monitoring Officers) for their retention.

8.2 If the Officer to whom a function has been delegated is unable to act due to a conflict of interest, a conflict of opinion with a Chief Officer or any other reason, then it is for the Chief Executive to determine who should exercise that function. If the Chief Executive is unable to act due to a conflict of interest, or any other reason, then it is for the ~~Section~~

Deputy Chief Executive/Section 151 Officer to determine who should exercise that function. If the Chief Executive and Deputy Chief Executive/Section 151 Officer are unable to act due to a conflict of interest, or any other reason, then the function can be exercised by any Chief Officer from the General Management Team.

- 8.3 Subject to any statutory restrictions or as otherwise provided for in this Constitution, the powers of a Statutory Officer/Chief Officer, Proper Officer or Senior Officer may be exercised by their nominated deputies or any other authorised Officer.
- 8.4 A Statutory Officer/Chief Officer, Proper Officer or Senior Officer may, so far as permissible under the law or otherwise as provided for in this Constitution, sub-delegate their powers within their area of responsibility (including cross -service delegation where appropriate).

### **Chief Officer Responsibilities and Specific Delegated Powers**

Without limitation the responsibilities and specific delegated powers of the Chief Officers are as set out below.

#### **9. The Chief Executive (Head of Paid Service)**

- 9.1 To act as the Council's Head of Paid Service and to undertake the associated duties as set out in Section 4 of the Local Government and Housing Act 1989.
- 9.2 To lead, manage and direct all Officers of the Council in providing a corporate, co-ordinated, cross-functional approach towards Strategy and Policy Development and the delivery of services for the Council.
- 9.3 To deal with the grant and supervision of exemptions from political restrictions in respect of the relevant Council's posts.
- 9.4 To review the Whistleblowing Procedure for Employees.
- 9.5 To review the Employee Code of Conduct.
- 9.6 In consultation with the HR Manager, as considered necessary, to deal with all **employee matters, other than those reserved to the Council, relating to the recruitment, appointment, remuneration, conditions of service, discipline, dismissal (including settlement agreements after consultation with the Monitoring Officer and Deputy Chief Executive/Section 151 Officer), superannuation, qualifications, training, job evaluation, promotion, safety and provision of welfare facilities of all employees of the Council up to £25,000, or within existing budgets, which have not been delegated to a Committee or Cabinet, except that the following shall be reserved to Council:**
- 9.6.1 **The appointment and dismissal of the roles of:**
- 9.6.2 **the Head of Paid Service (Chief Executive)**
- 9.6.3 **the Monitoring Officer as appointed pursuant to Section 5 of the Local Government**



and Housing Act 1989 and

- 9.6.4 the Officer having responsibility for the Council's financial affairs pursuant to Section 151 of the Local Government Act 1982 and any other Chief Officer.

(including settlement of claims up to £25,000 after consultation with the Monitoring Officer and Deputy Chief Executive/Section 151 Officer.

- 9.7 To act as the Council's Returning Officer for Local and General Elections and Referendums the elections of Councillors of the Borough, Electoral Registration Officer for the Borough and Proper Officer for Parish polls under the Local Government Act 1972.
- 9.8 To make any necessary changes to polling stations at short notice before an election, with any permanent changes being approved at Full Council.
- 9.9 To act as the Council's Emergency Planning Officer in both wartime and peacetime emergencies and to liaise as necessary with neighbouring authorities, government departments, agencies and other bodies.
- 9.10 To perform the functions of the Council in respect of crime reduction including the payment of grants within the policy and budget of the Crime and Disorder Reduction Partnership.
- 9.11 The Chief Executive, following consultation with the Leader of the Council and, where possible, the Leader of the Opposition, shall have the power to allocate any new functions of the Council, or a function which has not been allocated under this Scheme, to the Officer (including the Chief Executive), which the Chief Executive considers most appropriate to perform the function. This enhances delegated urgency powers to the Chief Executive in light of any pandemic or other such circumstances.
- 9.12 In consultation with the Leader of the Council, and other recognised group Leaders, to nominate or recommend any appointment to Liberty Leisure Ltd on behalf of the Council as shareholder.
- 9.13 In consultation with the Leader of the Council and where possible, the Leader of the Opposition to authorise the taking or carrying out of action, notwithstanding anything on the Council's Procedure Rules or Financial Regulations, where they consider that circumstances exist that make it expedient or necessary for action to be taken prior to the time when such action could be approved through the normal Council procedures. A report on such action, and the circumstances justifying the exercise of the delegated powers, shall be made to the next meeting of the Cabinet or Council, as appropriate.
- 9.14 Any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment.
- 9.15 To sign and seal documents on behalf of the Council, as required.

## **10. The Deputy Chief Executive/Section 151 Officer**

10.1 The Deputy Chief Executive shall deputise for the Chief Executive in their absence or where they are unable to act unless prohibited from doing so under the law or otherwise by any provision of this Constitution.

10.2 To perform the Council's commercial services function.

10.3 The Deputy Chief Executive is the Council's Deputy Chief Executive/Section 151 Officer and in such capacity:-

### **10.3.1 Ensuring Lawfulness and Financial Prudence in Decision-Making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Deputy Chief Executive/Section 151 Officer shall report to the Council, the Cabinet or appropriate Committee (as the case may be) and the Council's external auditor, any proposal, decision or course of action which in the opinion of the Deputy Chief Executive/Section 151 Officer will incur unlawful expenditure or is otherwise unlawful and likely to cause a loss or deficiency, or where the Council is about to enter an item of account unlawfully.

### **10.3.2 Administration of Financial Affairs**

- (a) The Deputy Chief Executive/Section 151 Officer shall be responsible for the administration of the financial affairs of the Council pursuant to section 151 of the Local Government Act 1972;
- (b) To make arrangements for the provision and operation of any treasury management, banking and insurance services including the authorisation of any transaction; signing of cheques or other financial instrument; provision of indemnities; agreement of terms for the raising, repayment or cancellation of loans, investments and leases;
- (c) To take any action to recover debts due to the Council and to write off debts considered to be irrecoverable for any proper reason;
- (d) To authorise arrangements for the disposal of surplus or obsolete assets and consequential accounting entries;
- (e) To determine all financial matters specified within statutory provisions and not reserved therein to the Council;
- (f) To allocate budgetary provision from approved contingencies and earmarked reserves;

- (g) To make arrangements for the provision of an internal audit service to the Council;
- (h) Negotiate and settle the Council's insurance claims through insurers up to a financial limit determined by policy;
- (i) Together with the Chief Executive and the Monitoring Officer provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and support and advise Councillors and Officers in their respective roles.

10.4 In consultation with the Head of Finance and Head of Revenue, Benefits & Customer Services:

- 10.4.1 Give financial information and provide financial information to the media, Members of the public and the community;
- 10.4.2 Write off debts to the limit set in Financial Regulations;
- 10.4.3 Grant non-domestic rating discretionary relief;
- 10.4.4 Assess and determine applications regarding the Policy on Discretionary Council Tax Discounts.

10.5 To discharge the Council's functions in respect of:

- 10.5.1 The Administration of benefits, including determination of entitlement and the award of discretionary housing benefits;
- 10.5.2 The Collection of revenues due to the Council under currently prevailing legislation relating to local government finance;
- 10.5.3 The Determination and declaration of the appropriate local average rate in March and September each year in respect of Council mortgages and perform and consequential administration;
- 10.5.4 Appearance at hearings of the Valuation Tribunal;
- 10.5.5 The recovery of rates and Council Tax including the appointment of enforcement agents for this purpose and the pursuit of court proceedings in consultation with the Head of Legal Services, where appropriate;

- 10.5.6 The Management of the Council's investments and debts, including the appointments of external investment managers and brokers, in accordance with the Council's adopted Treasury Policy Statement;
- 10.5.7 The Appointment of, and liaison with, insurers;
- 10.5.8 Unless otherwise delegated, the determination of tenders in respect of all activities in accordance with relevant legislative requirements and organisation and performance of all works in relation thereof;
- 10.5.9 The negotiation and acceptance of quotations from contractors for works classified as part of tenders within limits specified in the Financial Regulations;
- 10.5.10 The reduction or remittance of the charge for non-domestic rates on occupied and unoccupied properties on grounds of hardship, under Section 49 of the Local Government Finance Act 1988.

## 11. The Monitoring Officer

- 11.1 The Monitoring Officer is the Council's Monitoring Officer for the purpose of section 5 of the Local Government and Housing Act 1989.
- 11.2 The Monitoring Officer has the following specific functions:
  - 11.2.1 To report to the Council, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to a finding of maladministration, after such consultation with the Chief Executive and the S151 Officer. Such a report, once issued, will have the effect of stopping the proposal or decision being implemented until the report has been considered;
  - 11.2.2 To maintain an up-to-date version of the Constitution and ensure that it is widely available to Members, staff and public, **to make changes to the Council's Constitution as she/he deems to be necessary and which are in the Council's interest and not major in nature, including but not limited to:**
  - 11.2.3 **Changes amounting to routine revision**
  - 11.2.4 **to provide appropriate clarity**
  - 11.2.5 **to correct typographical and other drafting errors**
  - 11.2.6 **To reflect new legislation**
  - 11.2.7 **to correct inconsistencies in drafting Officer delegations**
  - 11.2.8 **to reflect new Officer structures and job titles, properly approved through Council processes** ~~include the recording of any changes~~ ensuring that all administrative changes are made in consultation with the Chief Executive, Leader and Leader of the Opposition, save where such consultees object to the proposed changes in

which case the matter shall be determined by the Council

11.2.9 To record any changes on the constitution document control log and to report these to Council annually.

11.2.3 To interpret the Constitution where the meaning is uncertain or there is a dispute about its meaning.

11.2.4 To provide support and advice to the Council, Cabinet, Committees and Officers;

11.2.5 To provide advice to all Members on issues in relation to the scope of powers and authority to take decisions, interests, maladministration, financial impropriety, probity and the Budget and Policy Framework;

11.2.6 In consultation with the with Head of Legal Services and/or other Senior Officer's as may be appropriate, deal with matters concerning regulators and Ombudsmen.

11.2.7 To determine corporate complaints and to make payments for maladministration and other similar compensation awards by the Council up to a limit of £5,000.

## **12 Executive Director**

12.2 To negotiate compensation claims by or against the Council up to the maximum currently set out in Financial Regulations in capital consideration in each case or weekly compensation not exceeding that sum in each case.

12.3 To perform the Council's, Environmental Services, Governance, Administration, Payroll and Job Evaluation, ICT and Business Transformation, Health, Safety and Emergency Planning, Corporate Communication and Civic Office functions.

12.4 To perform functions in relation to Climate Change matters.

12.5 To act as the Council's Data Protection Officer as required by relevant legislation.

12.6 To act as the Council's Senior Information Risk Owner (SIRO).

## **Senior Management Team Responsibilities and Specific Delegated Powers**

Without limitation the responsibilities and specific delegated powers of the Senior Management Team are as set out below.

## **13 Head of Legal Services and Deputy Monitoring Officer**

13.2 Legal services Affixing the Common Seal of the Council.

13.3 Certifying true copies.

13.4 To determine, authorise, issue and withdraw any Notice, decision, proceedings (to include criminal and civil proceedings) and appeals on behalf of the Council.

13.5 To exercise discretion in consultation with the S151 Officer to settle court and tribunal proceedings and other potential proceedings.

- 13.6 To authorise, in conjunction with the Chief Executive, Officers under Section 223 of the Local Government Act 1972 to appear on behalf of the Council in proceedings before the Magistrates' Court where those Officers would otherwise not have rights of audience before the court.
- 13.7 To arrange and authorise the signing of a contract under seal such signing to be witnessed by an Officer or Member of the Council and registered in a book kept for that purpose by the Monitoring Officer.
- 13.8 To confirm unopposed public path orders and tree preservation orders.
- 13.9 To determine applications for the Register of Community Assets and applications for compensation.
- 13.10 To approve Wayleave Agreements.
- 13.11 To authorise any person or sign any Notice to enable the use of the Council's powers of entry to land or property including applications to the court to enforce or ensure that the power of entry can be exercised.
- 13.12 To determine, prepare and serve applications for Certificates of Lawful Use or Development notices and directions subject to prior approval with the Head of Planning and Economic Development or his or her nominated Officer.
- 13.13 To enter into an agreement regulating the development or use of land in consultation with the Head of Planning and Economic Development (Section 106 Town and Country Planning Act 1990).
- 13.14 To determine appeals in relation to compensation for matters relating to the Register of Community Assets.
- 13.15 To determine and issue any Notice, decision, proceedings, appeals not otherwise delegated to Officers (other than where prohibited by statute) or in circumstances where that Officer is unable to exercise his or her delegated authority.

13.16 To perform the Council's elections, electoral registration and Local Land Charges functions.

#### **14 Head of Democratic Services & Deputy Monitoring Officer**

- 14.2 To perform, the Council's Democratic Service functions.
- 14.3 To perform the Council's Complaints functions.
- 14.4 To ensure that all decisions, reasons for those decisions, relevant Officer reports and background papers are made publicly available as soon as possible and in accordance with the relevant legislation.

## **15 Head of Finance Services**

- 15.2 To perform the Council's Financial Management functions to manage the finances in an efficient manner such that the Council has sufficient financial resources to enable it to successfully implement its policies and plans.
- 15.3 To perform the Council's Accountancy Services functions to prepare and monitor the Council's detailed financial plans and pay all creditors and collect all income due to the Council promptly.
- 15.4 To perform the Council's Treasury Management and Banking functions to manage the Council's debt portfolio, investments and banking arrangements, manage the risks associated with these activities and pursue optimum performance consistent with these risks.
- 15.5 To perform the Council's Internal Audit functions as a key component of the Council's governance framework to enhance and protect organisational value by providing risk-based and objective assurance, advice and insight.
- 15.6 To co-ordinate the Council's Fraud and Corruption prevention activity. The Council takes a zero-tolerance approach to fraud and corruption and is committed to establishing a strong anti-fraud and corruption culture.
- 15.7 To co-ordinate the Council's Business Planning and Performance Management framework, including support with the preparation of Business Plans and the suite of performance indicators and targets and the monitoring of these through the performance management system.
- 15.8 To perform the Council's Insurance and Risk Management functions to identify, arrange and monitor insurance requirements, including claims handling, and to implement risk management initiatives which minimise the risk of injury or loss to customers, employees and other stakeholders and safeguard the Council's assets.
- 15.9 To co-ordinate the Council's Procurement and Commissioning activity to improve the delivery and cost effectiveness of high quality services across the organisation through the promotion of effective, prudent and innovative procurement and commissioning practices.
- 15.10 To perform the Council's Grant Aid activity to process applications for grant aid from voluntary organisations and individuals involved in sports or the arts.

## 16 Head of Planning & Economic Development

16.2 To perform the Council's Planning regeneration and development management functions.

16.3 To manage the Council's shared Building Control functions.

~~16.4 To perform the Council's Street works functions.~~

16.5 To perform the Council's Planning policy functions.

16.6 To perform the Council's functions in relation to Economic Development, Investment Regeneration, **including involvement in Economic Development partnerships, government initiatives/investments and relevant committees.** ~~Local Enterprise Partnership.~~

16.7 To determine applications for planning permission, the need for prior approval, consent for the display of advertisements and listed building consent and the determination of or response to any other application or matter received in respect of the town and country planning function, (excluding enforcement) including Article 4 directions subject in each case to the proviso that any Member of the Council may bring the application before the Planning Committee for decision, and subject also to the provisos below:

16.7.3 Any application above that is

i) contrary to policy

ii) made by a Member of the Council or

iii) by an Officer involved in the planning process, namely: Directors, Heads of Service and employees of the planning and building control sections shall be referred to Planning Committee for decision;

16.7.4 In consultation with Ward Members, the Chair and Vice Chair of the Planning Committee, the decision not to take enforcement action must only be made in consultation with the Head of Legal Services.

16.8 To determine planning enforcement action as may be necessary having due regard to the consultation response from Ward Members, the Chair of Planning Committee and the Head of Legal Services to include the:

16.8.3 Investigation leading to breach of condition notices;

16.8.4 Investigation leading to enforcement notices and injunctions;

16.8.5 Investigation leading to stop and temporary stop notices;



16.8.6 Investigations leading to untidy land notices or community protection notices.

16.9 On a finding of breach of planning control, after consultation with Ward Members, Chair and Vice Chair of Planning Committee and Head of Legal Services to carry out the necessary action.

16.10 To manage the transfer of all Building Control Functions (under the provisions of Building Act 1984, Building Regulations 2010 and all other relevant legislation) to Erewash Borough Council.

~~16.11 To approve or reject plans deposited under the Building Regulations and to make a declaration that plans approved under the Building Regulations since 1 April 1974 are of no effect where work has not commenced on site within 3 years of deposit of plans.~~

~~16.12 To manage the Council's functions under the Building Act 1984 as amended to include the issue of Notices under Section 36 of the Building Act 1984 (removal or alterations of work done in breach of Building Regulations) in consultation with the Head of Legal Services.~~

~~16.13 To exercise all local authority functions under the currently subsisting Building Act and Building Regulations.~~

~~16.14 To issue Notices requiring advance payment of Private Street Works charges under Section 220 of the Highways Act 1980 and Exemption Notices under Section 219 of the Highways Act 1980.~~

16.15 To enforce in respect of complaints Part 8 of the Anti-Social Behaviour Act 2003, including high hedges.

16.4 To determine street naming and numbering.

~~16.15 To authorise suitable bidding requests for grant aid for shop fronts and industrial improvement.~~

16.16 Where Section 106 contributions have been approved at the relevant Committee to arrange payments of these in consultation with the Head of Legal Services.

## **17 Head of Asset Management**

17.2 To deal with Capital Works Housing stock management and modernisations.

17.3 To approve bids and adaptations to Council properties up to a maximum of £30,000.

17.4 House Building Delivery – To consider and recommend housing building schemes.

17.5 Estate Management - Property/land acquisition and disposal (except housing stock).

- 17.6 To carry into effect approved capital and revenue programmes with regard to the Council's housing stock.
- 17.7 To manage and maintain buildings and lands held for directorate purposes including public car parks, industrial and commercial property.
- 17.8 To operate civil parking enforcement on and off street including those vested in the Council via an agreement with the County Council as Traffic Authority; save for the consideration of parking appeals referred back to the Council by the Traffic Penalties Tribunal.
- 17.9 In common with the Head of Legal Services acquisitions, appropriations and disposals of land or property (except Council Houses) not exceeding the value currently set out in Financial Regulations.
- 17.10 To consider, negotiate and determine all of the Council's acquisitions, appropriations and disposals of any land or property (except Council houses), lettings, negotiations and settlement of leases and rents for Council owned land or property (except Council houses), easements, licences or other rights or interests affecting the land whether granted or to be granted to or by the Council not exceeding the rental or capital consideration currently set out in Financial Regulations and in accordance with the Council's land disposal policy.
- 17.11 To negotiate and accept quotations from contractors for such related works classified as part of tenders within limits specified in the Financial Regulations.
- 17.12 To perform the function of requesting the County Council to apply to the Secretary of State for the closure or diversion of a public right of way on the grounds of crime reduction, following consultation with any Ward Members and the Crime and Disorder Reduction Partnership, for the purposes of the Countryside and Rights of Way Act 2000.
- 17.13 To consider and recommend investment in, improvement of and carbon reduction of the Council's housing stock.
- 17.14 To negotiate and accept quotations from contractors for works to the Council housing stock classified as part of tenders within limits specified in the Financial Regulations.

## **18 Head of Housing**

- 18.2 **To manage the Council's Landlord Functions within the provisions of Housing Act 1985, Housing Act 1996, Anti-Social Behaviour, Crime and Policing Act 2014 and all other relevant legislation.** ~~Housing Operations Management -The Council's functions as a housing provider and as regards its housing stock and housing revenue account.~~
- ~~18.3~~ **To manage the Council's Strategic housing function within the provisions of Part 7 of the Housing Act 1996 and amendments by the Homelessness Reduction Act 2017 and all other relevant legislation.** ~~Housing functions as regards homelessness.~~

- ~~18.4 The Council's functions as regards to Housing Strategy.~~
- 18.5 To ~~perform~~ **manage** the Council's functions with regard to the Council's housing stock and housing revenue account property **within the provisions of Part II Housing Act 1985, Housing Act 1998, Local Government and Housing Act 1989 Local Government Act 2003, Localism Act 2011 and all other relevant legislation.** ~~in accordance with all legislation relevant to housing. and including homelessness, anti-social behaviour, repairs and allocations.~~
- 18.6 To carry into effect approved capital and revenue programmes and approved policies with regard to the Council's housing stock **in consultation with Head of Asset Management and Development.**
- ~~18.7 To approve conditions of sale and administer, in conjunction with the Head of Legal Services, the right to buy, voluntary sales schemes and property purchases.~~
- 18.8 To award compensation (up to a maximum of £1000) under the Secure Tenants of Local Authorities (Compensation for Improvement) Regulations 1994 (or other legislation) unless appropriate to exercise a discretion.
- 18.9 **To determine compensation awards in relation to Stage 1 housing management complaints up to a limit of £500 in consultation with the relevant Director.**
- 18.10 To recover rent **and other charges,** rates (from the Council's housing stock), including the appointment of agents for this purpose and pursuit of Court proceedings.
- ~~18.11 To consider and conduct reviews of Council and introductory tenancies.~~
- ~~18.12 To deal with Housing Repairs and Compliance Matters.~~
- 18.13 In common with the Head of Legal Services deal with acquisitions, appropriations and disposals (**lettings, negotiations and settlement of leases and rents**) of Council Houses not exceeding the value currently set out in Financial Regulations and **in accordance with relevant Council policies.**
- 18.14 **To deal with Housing disrepair claims under the Pre-Action Protocol for Housing Conditions Claims (England) and Section 9A Landlord and Tenant Act 1985.**
- ~~18.15 To consider, negotiate and determine all acquisitions, appropriations and disposals, lettings, negotiations and settlement of leases and rents for Council Houses not exceeding the rental or capital consideration currently set out in Financial Regulations and in accordance with relevant Council policies.~~
- 19 Head of Environment Services**
- 19.2 To deal with Environmental services and waste collection services.
- 19.3 Vehicle, plant, equipment and facilities management, acquisition and disposal.

- 19.4 To deal with functions relating to Bereavement Services.
- 19.5 To carry into effect approved capital and revenue programmes with regards to the Council's vehicle fleet and improvements to public parks and green spaces.
- 19.6 To manage and maintain buildings and land held for Directorate purposes including Public Parks, Cemeteries, Woodlands, Play Areas, Recreational Grounds with associated Sports Facilities including Pavilions, Nature Reserves, The Nottingham Canal, public civil engineering assets and Allotments.
- 19.7 To manage and operate the licence, in accordance with statutory obligations, on behalf of the Council as Waste Collection Authority.
- 19.8 To manage and authorise the acquisition and disposal of all of the Council's vehicles and plant not exceeding the value currently set in the Financial Regulations.
- 19.9 To deal with all matters in relation to the provision of vehicles, facilities and equipment within the overall capital programme including power to negotiate and execute all leases for items of plant and equipment within the capital programme.
- 19.10 To establish and review as necessary internal rates in respect of labour, plant and materials.

**20 Head of Revenue, Benefits & Customer Services**

- 20.2 To perform the Council functions in relation to Revenue and benefits.
- 20.3 To perform the Council functions in relation to Customer Services Contact Centre.
- 20.4 To perform the Council functions in relation to Council Tax and Business Rates including the assessment of all reliefs, discounts levy's and exemptions.
- 20.5 To perform the Council's Quality & Control functions.
- 20.6 To appoint Officers (either internally or externally) to act on behalf of the Council to perform functions in relation to Revenues, Benefits and Customer Services.

**21 Head of ICT and Corporate Services**

~~**22 Head of Administrative Services**~~

- ~~22.2 To perform the Council's Business Support functions.~~
- ~~22.3 To perform the Council's elections, electoral registration and Local Land Charges functions.~~
- 22.4 To perform the Council's Support Services & Cleaning functions.
- 22.5 To perform the Council's Information Governance functions

22.6 To perform the Council's Parking Services functions

22.7 To perform the Council's Surveillance functions

22.8 To act as the Council's Senior Responsible Officer under the Surveillance Commission Code of Practice

**23 ~~Chief Environmental Health Officer~~ Head of Environmental Health, Licensing and Private Sector Housing.**

23.2 To perform the Council's functions, with regards to public protection and environmental health under all current and new relevant legislation to include anti-social behaviour, occupational health and safety, control of diseases, control of pollution, air quality, contaminated land, public health, drainage, statutory nuisance, verminous persons and property, animal health and welfare, private sector housing, Sunday trading, food and water supplies, environmental protection, health protection unlawful encampments and smoking and the regulation and deregulation of businesses.

23.3 To approve and authorise the payment of housing grants.

23.4 To implement property charges on dwellings in respect of aids and adaptations.

23.5 To consider, determine and issue all of the Council's applications for approvals, licences, permits and registration for the Directorate, and if applicable vary, refuse, revoke or suspend such approvals, licences, permits and registration in relation to relevant Council functions and under the relevant current and new legislation including (but not limited to)

- skin piercing and special treatments
- pleasure boats and vessels
- premises for the preparation of food (including the Food Hygiene Rating Scheme)
- animal activities including but not exclusively; dog breeding, pet vending, premises where animals are bred or kept as part of a business, animal boarding, animal trainers and exhibitors, riding establishments, zoos, dangerous wild animals, guard dogs
- house in multiple occupation
- mobile homes
- scrap metal dealers (except for refusals which will go to Committee)
- pollution control
- private water supplies
- health protection
- **Liquor (Licensing Act 2003)**
- Gambling (Gambling Act 2005)
- street collections
- house to house collections
- sex shops and cinemas
- massage and special treatment
- vehicles, drivers and operators
- hypnotism

- pavement licences
- Scrap Metal Dealers (Sites and Collectors)

- 23.6 To perform the role of Hearing Officer on an application to review a decision to issue possession proceedings on the absolute ground.
- 23.7 To determine and maintain a matrix of competency and scope of enforcement levels of officers within environmental health.
- 23.8 To administer Simple Cautions in conjunction with an officer from Legal Services.
- 23.9 To be appointed as an Inspector in pursuance of section 19 of the Health and Safety at Work etc. Act 1974 authorised to carry out the powers vested in Inspectors by sections 20, 21, 22 and 25 of the Act and also the several provisions mentioned in the third column of Schedule 1 to the 1974 Act and any regulations, orders and instruments made hereunder:
- To authorise persons accompanying them on inspections for the purposes of section 20(2)(c)(i) of the Act.
  - To request prosecution proceedings under Section 39 of the Health & Safety at Work Etc. Act 1974.
- 23.10 To act as an authorised officer under Food Safety Act 1990.
- 23.11 To perform all the Council's functions with regard to moveable dwellings, caravan sites and unlawful encampments.
- 23.12 To perform the functions of the Council with respect to anti-social behaviour including Community Protection Notices and Fixed Penalties.
- 23.13 To enforce the powers of the Council in relation to smoking, save that the power to instigate legal proceedings is delegated to the Head of Legal Services.
- 23.14 To be authorised to carry out private sector housing functions including caravan sites, waste, filthy and verminous and HIMO's and improvement schemes (excluding Housing Act Notices, Grant Approvals and Licences).
- 23.15 To exercise powers not otherwise provided for by committee under the Licensing Act 2003 and the Gambling Act 2005, including providing for the discharge of the Authority's functions as a responsible authority within the meaning of the Licensing Act 2003 and the Gambling Act 2005.
- 23.16 To issue licences for hackney carriage and private hire vehicles which are outside the current age limits under the Council's Exceptional Condition policy.

23.17 To be authorised to carry out enforcement of all of the functions relating to the Licensing activities above (~~excluding the issue of Licences and Notices~~).

#### ~~24 CHIEF COMMUNITIES OFFICER~~ **HEAD OF COMMUNITIES AND CRIME**

- 24.2 To perform the Council's functions, with regards to public protection and under all current and new relevant legislation to include anti-social behaviour and smoking.
- 24.3 To perform the Council's functions in the role of Independent Chair on an application to review Multi Agency Action in relation to ~~community trigger~~ **Anti-Social Behaviour Case Review (community trigger)** applications (Anti-Social Behaviour Crime and Policing Act 2014).
- 24.4 To perform the Council's functions in authorising the issuing of Community Protection Warnings for Anti-Social Behaviour.
- 24.5 To perform the Council's functions with respect to Anti-Social Behaviour including Community Protection Notices and Fixed Penalties.
- 24.6 To perform the Council's functions in enforcement of the powers of the Council in relation to smoking.
- 24.7 To perform the Council's functions in determining applications for Sanctuary Scheme in accordance with the Sanctuary Scheme Policy.
- 24.8 To perform the Council's functions in managing secure systems for Multi-Agency information sharing and Key Individuals Network Contact Systems.
- 24.9 To perform the Council's functions in managing the Local Strategic Partnership and Community Safety Partnership.
- 24.10 To perform the Council's functions in managing Partnership finances on behalf of South Notts Community Safety Partnership.
- 24.11 To perform the Council's functions in commissioning Domestic Homicide Reviews.
- 24.12 To perform the Council's functions in managing the Vetting Procedure.
- 24.13 To perform the Council's functions in managing and perform the role of Chair the Anti-Social behaviour and Complex Case Panels.
- 24.14 To perform the Council's functions in determining Safeguarding referrals and referrals into other services or agencies.

- 24.15 To perform the Council's functions in determining applications for sharing personal information without consent in relation to vulnerable people.
- 24.16 To perform the Council's functions in determining referrals for Child Criminal Exploitation, Child Sexual Exploitation, PREVENT, Modern Slavery and Trafficking.
- 24.17 To perform the Council's functions in relation to Section 11 Children Act 2004 and Safeguarding Assurance Returns.
- 24.18 To perform the Council's functions in relation to the PREVENT Duty (The Counter-Terrorism and Security Act 2015).
- 24.19 To perform the Council's duties in relation to the Modern Slavery Act 2015

## **25 SEALING**

- 25.2 The common seal of the Council shall be kept in a safe place in the custody of the Legal team.
- 25.3 The common seal of the Council shall only be affixed to a document on the authority of a Proper Officer, as detailed in the Schedule of Proper Officer Functions and Delegations or otherwise on the authority of the Council, or other Officer with delegated authority to commit the Council to enter into an instrument to which the Council's seal should be affixed.
- 25.4 An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for that purpose by the Monitoring Officer, and shall identify the persons who shall have attested the seal and the date when the seal was affixed. The seal may be witnessed and attested by any Officer or Member of the Council.

### **Schedule of Proper Officer Functions and Delegations**

The Council has approved the appointment of the following Officers as Proper Officers.

**The Chief Executive** shall act as the Proper Officer in relation to any other enactment where specific arrangements have not been made under the following provisions.

**The Deputy Chief Executive/Section 151 Officer** shall act as the Proper Officer in respect of any other statute where specific arrangements for financial matters have not been made under the following provisions.

**The Monitoring Officer** shall act as the Proper Officer in respect of any other statute where specific arrangements for legal matters have not been made under the following provisions.

Proper Officer functions may be discharged by their Deputies or any other Officers duly authorised to act in the name of the Proper Officer concerned.



If the Officer to whom a function has been delegated is unable to act due to a conflict of interest or any other reason, then it is for the Chief Executive to determine who should exercise that function. If the Chief Executive is unable to act due to a conflict of interest, or any other reason, then it is for the Deputy Chief Executive/Section 151 Officer to determine who should exercise that function. If both the Chief Executive and Section 151 Officer is unable to act then the powers shall be exercisable by any other Chief Officer of the Council's General Management Team.

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
<b>PUBLIC HEALTH ACT 1936</b>			
S.79	Power to require removal of noxious matter	Chief Executive	Head of Environmental Health, Licensing and Private Sector Housing Chief — Environmental Officer
S.84	Certificate relating to cleansing or destruction of filthy or verminous items	Chief Executive	Head of Environmental Health, Licensing and Private Sector Housing Chief — Environmental Officer
S.85(2)	Cleansing of verminous persons or articles	Chief Executive	Head of Environmental Health, Licensing and Private Sector Housing Chief — Environmental Health Officer
<b>LOCAL GOVERNMENT ACT 1972</b>			
S.83 (1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Monitoring Officer	Chief Executive
S.84	Receipt of notice of resignation of Elected Member	Chief Executive	Deputy Chief Executive/Section 151 Officer
S.88(2)	Arranging a Council meeting to appoint to Chair of the Council	Chief Executive	Monitoring Officer
S.89(1)	Notice of casual vacancy	Chief Executive	Monitoring Officer

S.100B(2)	The Officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and	Monitoring Officer	Head of Democratic Services
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REFERENCE

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
	public		
S.100B(7)	Disclosure to newspapers of a copy of the agenda and/or any further copies of documents in connection with the item.	Monitoring Officer	Head of Democratic Services
S.100C(2)	Where parts of the published minutes have not been disclosed due to exempt information and the document does not provide members of the public with a reasonably fair and coherent record than the proper officer shall prepare a written summary of the proceedings at Cabinet/ Committees and Sub-Committees	Monitoring Officer	Head of Democratic Services
S.100D(1) and (5)	The Officer responsible for identifying and compiling lists of background papers	Officer supporting the portfolio holder to compile the report.	The Director of the service compiling the report.
S.100F(2)	The Officer making decisions as to documents disclosing exempt information which are not required to be open to inspection by Council Members	Chief Executive	Monitoring Officer
S.115(2)	Receipt of money due from Officers	Deputy Chief Executive/Section 151 Officer	Head of Finance Services
S.137 and 137A	Receipt of statement provided in relation to financial assistance	Deputy Chief Executive/Section 151 Officer	Head of Finance Services

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
S.146(1) (a) and (b)	Declarations and certificates with regard to transfer of securities	Deputy Chief Executive/Section 151 Officer	Head of Finance Services
S.151 (and S.114 Local Government and Finance Act 1988)	The Officer responsible for the proper administration of the Council's financial affairs	Deputy Chief Executive/Section 151 Officer	Head of Finance Services
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Head of Legal Services	Head of Planning and Economic Development
S.210	Charity functions of predecessor authorities transferred to the Council	Chief Executive	Monitoring Officer
S.225	Deposit of documents	Chief Executive	Head of Legal Services
S.228(3)	Accounts for inspection by any Member of the Council	Deputy Chief Executive/Section 151 Officer	Chief Executive
S.229(5)	Certification of photographic copies of documents	Monitoring Officer	Head of Legal Services
S.234	Officer who may authenticate documents	Monitoring Officer	Head of Legal Services
S.236(9) and (10)	Sending of copies of byelaws to Parish Councils, Parish meetings and County Council	Monitoring Officer	Head of Legal Services
S.238	Certification of byelaws	Monitoring Officer	Head of Legal Services
S.248	Officer who will keep the Roll of Freemen	Chief Executive	Monitoring Officer

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
Para 4(2)(b) of Schedule 12	Signing of summons to Council meeting	Chief Executive	Monitoring Officer
Para 25 of Schedule 14	Certification of resolution passed under this paragraph	Monitoring Officer	Chief Executive
Schedule 29	To undertake those duties which arise at District and Parish Council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer.	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
<b>LOCAL GOVERNMENT ACT 1974</b>			
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer	Chief Executive
<b>LOCAL LAND CHARGES ACT 1975</b>			
	Local Land Charges Registrar under the Land Charges Rules	Chief Executive	Head of Legal Services
<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>			
S.41(1)	The Officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer	Chief Executive
<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>			
S.8	Electoral Registration Officer	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
S.35	Returning Officer for local elections	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
S.52(2)	Deputy Electoral Registration Officer	<del>Head of</del> Administrative Services Head of Legal Services	Chief Executive
S.67	Acting as the appropriate person for the purposes of Part II	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
S.128	Publishing a petition questioning	Chief Executive	<del>Head of Administrative</del>

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
	a local election		Services <b>Head of Legal Services</b>
S.131	Providing suitable accommodation for election court	Chief Executive	<del>Head of Administrative Services</del> <b>Head of Legal Services</b>
S.145	Receipt of High Court Certificate at the conclusion of trial of local election petition	Chief Executive	<del>Head of Administrative Services</del> <b>Head of Legal Services</b>
S.200	Posting notices required in relation to local elections	Chief Executive	<del>Head of Administrative Services</del> <b>Head of Legal Services</b>
Paragraphs 3, 6 and 8 of Schedule 4	Receipt of an election expense declarations and returns and the holding of those documents for public inspection	Chief Executive	<del>Head of Administrative Services</del> <b>Head of Legal Services</b>
<b>PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984</b>			
S.48	To issue certificates relative to the removal of bodies to mortuaries or for immediate burial	All Lead Consultants from Public Health England (East Midlands)	Chief Executive
S.60	Service of notices and other documents	Chief Executive	<b>Head of Environmental Health, Licensing and Private Sector Housing</b> <del>Chief Environmental Health Officer</del>
s.61	Powers to enter premises	Chief Executive	<b>Head of Environmental Health, Licensing and Private Sector Housing</b> <del>Chief Environmental Health Officer</del>
<b>BUILDING ACT 1984</b>			
S.35A	Certifying evidence is sufficient to justify commencing proceedings for contravention of building regulations	Chief Executive	Head of Legal Services
S.61	Access to work to repair drain	Chief Executive	Head of Legal Services/ <del>Chief Environmental Health Officer</del> <b>Head of Environmental Health,</b>

			Licensing and Private Sector Housing
S.78	Taking immediate action in relation to dangerous building	Chief Executive	Head of Legal Services/Chief Environmental Health Officer-Head of Environmental Health, Licensing and Private Sector Housing

REFERENCE

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
S.93	Authentication of documents	Chief Executive	Head of Legal Services
<b>NOTTINGHAMSHIRE COUNTY COUNCIL ACT 1985</b>			
Part II	Public Health	Chief Executive	Head of Environmental Health, Licensing and Private Sector Housing <del>Chief Environmental Health Officer</del>
Part III	Public Order & Safety	Chief Executive	Head of Environmental Health, Licensing and Private Sector Housing <del>Chief Environmental Health Officer</del>
Part IV	Establishments for massages or special treatment	Chief Executive	Head of Environmental Health, Licensing and Private Sector Housing <del>Chief Environmental Health Officer</del>
<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>			
S114A, 115	Responsibility for Chief Financial Officer Reports.	Section 151 Officer	Chief Executive
S. 116	Notify auditor of meeting to consider financial report to the authority and decision at that meeting	Section 151 Officer	Chief Executive
<b>LOCAL GOVERNMENT AND HOUSING ACT 1989</b>			
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer	Chief Executive
S.4	Designation and reports of head of paid service	Deputy Chief Executive/S151 Officer	Chief Executive
S.5 (as amended by para 24 of schedule 5 of the Local Government Act 2000)	Designation and reports of Monitoring Officer	Monitoring Officer	Chief Executive
S.15,16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council	Chief Executive	Deputy Chief Executive/Section 151 Officer



**LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990 NO. 1553**

	For the purposes of the composition of Committees and nominations to political groups	Monitoring Officer	Chief Executive
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REFERENCE

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
<b>FOOD SAFETY ACT 1990</b>			
s.5(6)	Authorised Officer for the purposes of the Council's functions	Chief Executive	Environmental Health Officers and Environmental Health Technical Officers
<b>ENVIRONMENTAL PROTECTION ACT 1990</b>			
S.149	Relating to stray dogs	Executive Director	Head of Environment
Part III	Relating to statutory nuisances	Chief Executive	Head of Environmental Health, Licensing and Private Sector Housing Chief Environmental Health Officer
Part II	Contaminated Land – declare and serve notices	Chief Executive	Head of Environmental Health, Licensing and Private Sector Housing
<b>DATA PROTECTION ACT 1998</b>			
	Data Protection Officer/Senior Information RiskOwner	Executive Director	Chief Executive
<b>FREEDOM OF INFORMATION ACT 2000</b>			
s.36 (2) and (5)	The qualified person for the purposes of deciding whether information is exempt from disclosure to the public relating to the prejudice to the conduct of public affairs	Monitoring Officer	Chief Executive
S.36	Determination of all exemptions apart from those relating to the prejudice to the conduct of public affairs	Monitoring Officer	Chief Executive
<b>LOCAL GOVERNMENT ACT 2000</b>			
S.52	Undertakings by Members and co-opted Members to observe the Council's Code of Conduct	Monitoring Officer	Chief Executive
<b>REGULATION OF INVESTIGATORY POWERS ACT 2000</b>			

	Authorising Officer and Designated Person for the use of surveillance and the acquisition and disclosure of communications data	Deputy Chief Executive/Section 151 Officer , Head of Legal Services, Head of Housing, Head of Revs and	Chief Executive
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REFERENCE

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
		Bens.	
<b>LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) (ENGLAND) REGULATIONS 2011 NO. 2914</b>			
Regulation 4	Publish the number that is equal to 5 per cent of the number of local government electors for the authority's area	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
Regulation 7	Post announcement and post directions – petitions	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
Regulation 8	Amalgamation of petitions	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
Regulation 11	Procedure on receipt of petition	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
Regulation 13	Publicity for valid petitions	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
Regulation 14	Publicity for invalid petitions	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
Regulation 19	Action following direction	Chief Executive	<del>Head of Administrative Services</del> Head of Legal Services
<b>THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) ACCESS TO INFORMATION (ENGLAND) REGULATIONS 2012 NO.2089</b>			
Regulation 12	Recording of Executive decisions made at meetings	Monitoring Officer	Head of Democratic Services
Regulation 13	Recording of Executive decisions made by individual Members	Monitoring Officer	Head of Democratic Services

Regulation 14	Making documents available for inspection following Executive decisions	Monitoring Officer	Head of Democratic Services
Regulation 5	Compiling list of background papers for inspection	Monitoring Officer	Head of Democratic Services
Regulation 15	Making report and background papers relating to key decision available for inspection	Monitoring Officer	Head of Democratic Services
Regulation 7	Access to agenda and connected reports	Monitoring Officer	Head of Democratic Services

REFERENCE

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
Regulation 9	Publicity in connection with key decisions	Monitoring Officer	Head of Democratic Services
Regulation 10	General exception	Monitoring Officer	Head of Democratic Services
Regulation 16	Members' rights of access to documents	Monitoring Officer	Head of Democratic Services
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer	Head of Democratic Services
<b>LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003</b>			
Regulation 13	Receipt of notice in writing that a Councillor wishes to forgo any part of his entitlement to an allowance	Chief Executive	Deputy Chief Executive/Section 151 Officer
<b>HOUSING ACT 2004</b>			
Section 4	Where an official complaint about the condition of any residential premises in the district of a local housing authority is made to the proper Officer of the authority, and the circumstances complained of indicate – a) That any category 1 or category 2 hazard may exist on those premises, or b) That an area in the district should be dealt with as a clearance area, the proper Officer must inspect the premises or area.	Chief Executive	Chief Environmental Health Officer  Head of Environmental Health, Licensing and Private Sector Housing
<b>LOCAL ELECTIONS (PARISHES AND COMMUNITIES) (ENGLAND AND WALES) RULES 2006 NO. 3305</b>			
Rule 5	Receipt of request to fill a casual vacancy in the office of a Parish or Community Councillor	Chief Executive	Head of Administrative Services  Head of Legal Services
Paragraph 50 of Schedule 2	Receipt of declaration of result in Parish or Community election	Chief Executive	Head of Administrative Services  Head of Legal Services

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
<b>THE LOCAL AUTHORITIES (MAYORAL ELECTIONS) (ENGLAND AND WALES) REGULATIONS 2007 NO.1024</b>			
Paragraph 54 of Schedule 1	Receive declaration of result	Chief Executive	Head of Administrative Services Head of Legal Services
<b>LOCAL AUTHORITIES (CONDUCT OF REFERENDUMS) (ENGLAND) REGULATIONS 2012 NO 323</b>			
Regulation 4	Publicity in connection with referendums	Chief Executive	Head of Administrative Services Head of Legal Services
Paragraphs 41 and 43 of Schedule 5	Receive declaration of result	Chief Executive	Head of Administrative Services Head of Legal Services

### Authentication of Documents

Any notice, order or other document which the Council are authorised or required by or under any enactment (including the Local Government Act 1972) to give, make or issue shall be signed or sealed on behalf of the Council by the proper Officer of the Council as defined below.

Proper Officer	Substitute	Purpose
Chief Executive	Appropriate Member of GMT	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Deputy Chief Executive/Section 151 Officer	Head of Finance Services	In accordance with their functions highlighted in the Constitution and the Proper Officer functions

Monitoring Officer	Head of Planning & Economic Development <del>Head of Administrative Services</del>	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
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REFERENCE



	Head of Legal Services & Deputy Monitoring Officer	
Head of Legal Services	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Chief Environmental Health Officer	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Head of Asset Management	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Head of Planning and Economic Development	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Head of Housing	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions

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