

OFFICER DELEGATION SCHEME

# Ribble Valley Borough Council's Officer Delegation Scheme



Ribble Valley  
Borough Council

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# RIBBLE VALLEY BOROUGH COUNCIL'S OFFICER DELEGATION SCHEME

## CONTENTS

CONTENTS .....	1
PART 1: GUIDANCE AND BACKGROUND .....	2
1. INTRODUCTION .....	2
2. LEGISLATIVE FRAMEWORK .....	2
3. DECISION MAKING .....	2
PART 2: GENERAL DELEGATIONS.....	5
1. GENERAL DELEGATIONS .....	5
2. AUTHORISATIONS.....	7
3. OTHER PROVISIONS REGARDING GENERAL DELEGATION .....	8
4. FINANCIAL MATTERS .....	8
5. CONTRACT ISSUES.....	9
6. PERSONNEL ISSUES.....	9
7. PLANNING .....	11
8. GENERAL DAY-TO-DAY MANAGEMENT OF SERVICES.....	11
PART 3: DELEGATION TO SPECIFIC OFFICERS .....	13
1. GENERAL EXCEPTIONS.....	13
2. CHIEF EXECUTIVE.....	13
3. DIRECTOR OF RESOURCES.....	15
4. DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING.....	16
5. DIRECTOR OF COMMUNITY SERVICES.....	17
6. HEAD OF LEGAL AND DEMOCRATIC SERVICES .....	18
PART 4: AUTHORISATIONS .....	20
1. OFFICERS AUTHORISED TO REPRESENT THE COUNCIL IN COURT AND IN OTHER HEARINGS.....	20
2. AUTHORISATION TO ENTER LAND OR PREMISES.....	20
2.1 General .....	20
2.2 All purposes .....	21
2.3 Environmental health, housing etc.....	21
2.4 Planning .....	26
2.5 Building control.....	26
2.6 Local taxation .....	26
2.7 Water Supplies, land drainage and sewerage undertaking.....	27
2.8 Housing Benefit.....	28
2.9 Other functions.....	28
3. OTHER AUTHORISATIONS.....	29
PART 5: PROPER OFFICERS.....	30
APPENDIX 1 – LEGISLATION .....	36

## OFFICER DELEGATION SCHEME

### PART 1: GUIDANCE AND BACKGROUND

#### 1. INTRODUCTION

- 1.1 This scheme in Part 3(2) of the Ribble Valley Borough Council's ("**the Council**") Constitution deals with delegations from the Council and its committees to officers of the Council. Delegations to committees and subcommittees are set out in Part 3(1) of the Council's Constitution.
- 1.2 The scheme aims to provide evidence that the Council (or one of its committees) has authorised a particular officer of the Council to take an action or make a decision in given circumstances.
- 1.3 The scheme meets the requirement in section 100G(2) of the Local Government Act 1972 that the Council should maintain a list: (a) specifying those powers of the council which are exercisable by officers of the council in pursuance of arrangements made under the 1972 Act or any other enactment for their discharge by those officers; and (b) stating the title of the officer by whom each of the powers so specified is exercisable.
- 1.4 No part of this scheme is intended to be a job description or a summary of the work of any officer or his directorate.

Guidance notes, intended to assist officers to whom functions are delegated under this Scheme are included in text boxes, like this one.

#### 2. LEGISLATIVE FRAMEWORK

- 2.1 Section 101(1) of the Local Government Act 1972 empowers the Council to delegate certain of its functions to a committee, sub-committee or officer of the Council, or to another local authority.
- 2.2 Only the body or officer on whom a statutory power has been conferred may exercise that power, unless sub-delegation has been expressly authorised by words or necessary implications. Section 101(2) of the Local Government Act 1972 contains such a (limited) express power to sub-delegate. It provides that committees are empowered to sub-delegate to sub-committees or to officers, and that sub-committees are empowered to sub-delegate to officers, unless the Council otherwise directs.
- 2.3 In general a delegation by the Council does not imply a parting with authority. The Council retains not only the power to revoke the grant but also the power to act concurrently on matters within the area of delegated authority (except in so far as the Council may already have become bound by an act of its delegate). Section 101(4) formalises this general position in respect of delegation arrangements made by the Council or one of its committees, by providing that such arrangements shall not prevent the authority or the committee by whom the arrangements are made from exercising those functions (i.e. they retain concurrent power to do so).
- 2.4 Legislative provisions prescribe that certain of the Council's functions may not be delegated. These include:
  - levying, or issuing a precept for a rate (as per section 101(6) of the Local Government Act 1972); and
  - functions listed in paragraphs 2, 3 or 4 of Regulation 4 of the Local Authorities (Alternative Arrangements)(England) Regulations 2001.

#### 3. DECISION MAKING

- 3.1 Article 9.2 of the Council's Constitution sets out principles in accordance with which decisions of the Council should be taken. It lists the factors, and the documents

## OFFICER DELEGATION SCHEME

(such as the Contract Procedure Rules and the Financial Regulations), which must be taken into account before taking any such decision. **Where decisions are made or actions are taken by an officer under delegated powers, the officer must take each of these listed matters into account.**

- 3.2 Decisions are open to challenge and review in a number of ways. It is therefore important to be able to demonstrate that they have been taken in a manner that avoids challenge.

Decisions which are overturned will often have been successfully challenged not because they were 'wrong' but because they have been reached following a flawed process. Areas of action and decision-making by local authorities which typically give rise to challenge include: failure to take into account relevant considerations, either as required by law or such as would be taken into account by any reasonable person; taking into account irrelevant considerations; acting so unreasonably such that no reasonable body of persons could have so acted; failure to direct itself properly in law; exercising a power for a purpose for which it was not conferred; acting in bad faith or for an improper motive, fettering or failing to exercise discretion through improper delegation; failure to consult or to consult properly, either as a matter of statute or legitimate expectation; and failure to act fairly or observe procedural requirements.

- 3.3 Officers are accountable to the Council for any day-to-day decisions they make or for which they are responsible.
- 3.4 The significance of decisions taken under this scheme of delegation will vary. Those to whom functions are delegated under this scheme, and those they authorise to carry out tasks on their behalf, will need to exercise their discretion to decide whether day-to-day decisions are significant enough to require formally recording.
- 3.5 Officers are responsible for ensuring that sufficient evidence is kept about the decision and the reasons for it. Evidence may be required for a Judicial Review, Employment Tribunal, Ombudsman, District Audit, Court or other proceedings or investigation.

If an officer-made decision were challenged, the officer would wish to demonstrate that the proper processes were complied with. To be able to do this, the officer should keep adequate records so that s/he can refer to these and produce them if necessary. Records might include written notes of relevant meetings and discussions and copies of papers considered in making a decision. It is best practice to keep a clear note of all considerations taken into account with reasons why they were considered relevant and why matters not considered were thought not to be relevant. Generally, giving reasons is an accepted 'best practice' principle of good administration and the practice may be important in ensuring that controversial decisions are rooted in relevant considerations and with proper regard to available legal powers.

- 3.6 Officers are responsible for ensuring that all those who need to know are informed promptly of the decision.
- 3.7 Officers are responsible for ensuring that consultation is undertaken where appropriate and especially where they are aware that the decision is likely to be controversial. In particular, an officer should consult with:
- the Head of Legal and Democratic Services or the Council's Solicitors before making any decision which could attract to the Council legal liability;
  - the Director of Resources or the Head of Financial Services in relation to any decision which has financial implications; and

## OFFICER DELEGATION SCHEME

- the Head of Legal and Democratic Services in relation to any decision which could involve the exercise by the Monitoring Officer of any of his or her powers.
- 3.8 It is important that where officers involved in making decisions have a registrable interest this is declared on the form to preserve the integrity of the process.

### **4. REFERRAL**

- 4.1 Whilst the scheme is designed to encourage officers to take responsibility for day-to-day decisions, an officer *may* decide that a particular issue is such that it should be referred to the appropriate committee for a decision to be taken.
- 4.2 Such a referral *must* take place where the proposed decision is in conflict with existing Council Policy or the matter raises new issues of policy.

## OFFICER DELEGATION SCHEME

### PART 2: GENERAL DELEGATIONS

#### 1. GENERAL DELEGATIONS

- 1.1 The Council delegates, subject to the requirements concerning the exercise of delegated powers set out in Parts 1 and 2 of this scheme:
  - 1.1.2 in respect of the officers, or the group of officers, named in paragraphs 1 to 8 of Part 2 of this scheme, the functions described in those paragraphs;
  - 1.1.2 in respect of the officers, or the group of officers, named in Part 3 of this scheme, the functions described in that part, subject to consultation with the officer named in that part, where applicable;
  - 1.1.3 in respect of the officers named in Part 4 of this Scheme, the authority to appear in court and/or to enter land or premises, as provided for; and
  - 1.1.4 in respect of the appointments as Proper Officer and Deputy Proper Officer in the second and third column of the table in Part 5 of this Scheme, the functions mentioned in the first column of that table.
- 1.2 Where the Council, a committee or a sub-committee gives authority for the doing of any thing the officer designated shall be entitled to take all necessary steps for the doing of such thing.
- 1.3 Where a delegation is made without naming an officer the delegation shall be deemed to authorise the Chief Executive or the appropriate Director to take such steps.
- 1.4 The Chief Executive may exercise the powers delegated to any Head of Service and to any Proper Officer except in relation to those functions allocated to the Director of Resources as Chief Financial Officer (within the meaning of the Local Government Act 1972 Section 151 and the Local Government Finance Act 1988 Sections 112-114A (unless he or she is qualified under the Local Government Finance Act 1988 Section 113)) and to the Monitoring Officer (within the meaning of the Local Government and Housing Act 1989 Sections 5, 5A).
- 1.5 The Chief Executive is the **Head of the Paid Service**.
- 1.6 The Director of Resources is the **Chief Finance Officer**.
- 1.7 The Head of Legal and Democratic Services is the **Monitoring Officer**.
- 1.8 **Table one** below, shows how the responsibility for service areas and service heads is divided amongst the three directorates. It also gives an indicative list of the types of function that each Head of Service will manage on a day-to-day basis on behalf of the Directors.

## OFFICER DELEGATION SCHEME

<b>TABLE ONE</b>		
<b>Service Head</b>	<b>Indicative list of areas which will be managed on a day-to-day basis by the Service Head</b>	<b>Director/Chief Executive with strategic responsibility for the service</b>
Regeneration and Housing	Regeneration Community safety Local Strategic Partnership Housing Forward Planning	Director of Economic Development and Planning
Legal and Democratic Services	Legal services Local Land Charges Electoral Democratic Services Planning and Licensing Enforcement Licensing, including: <ul style="list-style-type: none"> <li>○ Alcohol and entertainment;</li> <li>○ Hackney carriages and private hire vehicles; and</li> <li>○ Sex Establishments</li> <li>○ Scrap Metal Dealers</li> <li>○ Gambling</li> <li>○ Street Collections</li> <li>○ House to House Collections</li> </ul>	Chief Executive
Environmental Health	Cemetery Market service Emergency planning Building control Environmental Health, including: <ul style="list-style-type: none"> <li>○ Food Safety;</li> <li>○ Health &amp; Safety;</li> <li>○ Pollution;</li> <li>○ Housing;</li> <li>○ Pest control; and</li> <li>○ Dog warden</li> </ul>	Chief Executive
Engineering Services	Waste management Refuse collection Engineering services CCTV Surveying General works Off Street Parking Building Maintenance	Director of Community Services
Cultural and Leisure Services	Arts and tourism Leisure and sports Health and fitness Amenity cleansing and grounds maintenance Cemeteries safeguarding	Director of Community Services
Planning Services	Development Management	Director of Economic Development and Planning

## OFFICER DELEGATION SCHEME

TABLE ONE		
Service Head	Indicative list of areas which will be managed on a day-to-day basis by the Service Head	Director/Chief Executive with strategic responsibility for the service
Financial Services	Accountancy Audit ICT	Director of Resources
Human Resources	Personnel Typing Printing Corporate health and safety Communications Corporate policy	Director of Resources
Revenues and Benefits	Revenues Council tax Benefits Contact centre	Director of Resources

- 1.9 In the event that a Head of Service's post ceases to exist or his or her responsibilities are transferred to another Head of Service (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.10 Any reference in this Scheme or its Appendix to an Act of Parliament includes reference to subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.
- 1.11 This Scheme of Delegation shall come into effect on 30 August 2011.
- 1.12 Nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by officers before 30 August 2011 under any previous scheme.

## 2. AUTHORISATIONS

- 2.1 Officers to whom functions are delegated under this scheme may not sub-delegate those functions. However, where it would be impracticable for all the powers and duties conferred on a named person to be performed by that individual, that person may **authorise** officers in their departments to perform tasks, or to carry out specific statutory functions under the provisions of relevant legislation, on their behalf.
- 2.2 Each Director will ensure that where s/he wishes to authorise officers within her/his department to sign documents or perform functions on her/his behalf s/he will:
- 2.2.1 Where applicable, complete an entry in the "**Authorisation Signatures**" list, naming the officer, the tasks which that officer is authorised to perform, and including the signature of the officer, and provide the Director of Resources with a copy of that list; and
- 2.2.2 Where applicable, comply with the requirements of the Council's Financial Regulations in terms of maintaining a written record and supplying copies of this to the Director of Resources.



## OFFICER DELEGATION SCHEME

2.3 An officer authorised by a Director will perform the tasks on behalf of the authorising Director. Any decisions taken under this, or any other similar authority, shall remain the responsibility of the relevant Director and must be taken in the name of that Director.

### **3. OTHER PROVISIONS REGARDING GENERAL DELEGATION**

3.1 Many of the functions delegated under this scheme are delegated to the Chief Executive, a Director or to the Head of Legal and Democratic Services.

3.2 References to Directors, unless expressly otherwise provided, include the Chief Executive.

3.3 Officers shall have delegated powers to make decisions on behalf of the Council in respect of those matters that are delegated to them within this scheme.

3.4 Where a delegation is made but without naming an officer, the delegation shall be deemed to be a delegation to the Chief Executive, or to the Director responsible for that service area.

3.5 Directors and Heads of Service delegated to under this scheme may authorise officers as explained in paragraph 2 of this Part, above.

3.6 Where a Director is to be absent for any period, that Director may nominate to the Chief Executive, in writing, another officer to act in that capacity during the period of absence.

3.7 The Chief Executive may appoint one or more deputies to exercise his or her functions owing to absence or illness and such deputy is or such deputies are authorised to exercise the functions of the Chief Executive pursuant to the Constitution, Financial Regulations and this Scheme of Delegation except in relation to those functions allocated to the Director of Resources as Chief Finance Officer (within the meaning of the Local Government Act 1972 Section 151 and the Local Government Finance Act 1988 Sections 112-114A (unless he or she is qualified under the Local Government Finance Act 1988 Section 113)) and to the Monitoring Officer (within the meaning of the Local Government and Housing Act 1989 Sections 5, 5A).

3.8 In cases of emergency, when Directors do not have delegated powers they shall refer matters to the Council's Emergency Committee.

3.9 Paragraphs 4-8 of this Part below set out how the Council has delegated its functions to officers in specific areas and more generally.

### **4. FINANCIAL MATTERS**

4.1 Paragraph 3.1 of Part 1 of this scheme sets out the matters which must be taken into account when any decision is made or task undertaken by an officer under this scheme. These include compliance with the Financial Regulations. Section 4(5) of the Financial Regulations provides that directors may not enter into any new arrangements or other contractual commitments with long-term revenue consequences without the prior written consent of the Director of Resources. Directors should therefore ensure that they comply with this, and any other, provision of the Financial Regulations when making decisions on financial matters.

4.2 Subject to Parts 1 and 2 of this Scheme, Directors are authorised to:

4.2.1 incur expenditure in respect of items included in approved revenue budgets; and

4.2.2 incur expenditure on capital schemes that are included within an approved capital programme subject to the provisos set out in Section 5(4) of the Financial Regulations.

## OFFICER DELEGATION SCHEME

4.3 If a Director wishes to incur expenditure outside the approved budget head or capital programme provision, the procedures set out in Section 6(4) and (5) of the Financial Regulations shall apply. The Directors shall be authorised to act up to the limits set out in the scheme of virements set out in Section 6(4) of the Financial Regulations.

4.4 Directors are authorised to collect and receive income on behalf of the Council in accordance with Section 10 of the Financial Regulations.

## 5. CONTRACT ISSUES

5.1 Directors have authority to conclude and sign contracts on behalf of the Authority up to the financial limits and subject to the provisos set out in the Financial Regulations and the Contract Procedure Rules.

5.2 Directors have authority to take any other action authorised by the Financial Regulations and the Contract Procedure Rules.

## 6. PERSONNEL ISSUES

	Function	Delegated to	In consultation with
<b>6.1</b>	<b>Appointment of staff</b>		
6.1.1	The selection, interview and appointment of Heads of Service and staff of PO level.	Directors	Head of HR Head of Service in area in which the staff member is being appointed
6.1.2	The selection, interview and appointment of staff below PO within the approved budgets of the Council	Head of Service/manager in area in which the staff member is being appointed	Head of HR Director with responsibility for that service area
6.1.3	The temporary appointment of relief staff for all posts other than the Head of Paid Service, Chief Officers and other officers paid in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities, where essential during periods of absence through maternity, sickness or holidays or as a result of resignation.	Chief Executive	Head of HR and Director of Resources
<b>6.2</b>	<b>Discipline and dismissal of staff</b>		
6.2.1	The disciplining of Chief Officers in accordance with the Council's agreed personnel policies and practice.	Chief Executive	Head of HR

## OFFICER DELEGATION SCHEME

6.2.2	The disciplining of all employees, save for Chief Officers, in accordance with the Council's agreed personnel policies and procedures.	Director/Head of Service	Head of HR and Head of Service
6.2.3	The dismissal of any employee in accordance with the Council's disciplinary procedures.	Director/Head of Service	Head of HR and Head of Service
6.2.4	The consideration of appeals made within the disciplinary procedure on disciplinary sanctions up to and including final written warning.	Any Director who did not undertake the initial disciplinary procedure.	Head of HR
6.2.5	The consideration of appeals made under the Council's grievance procedure.	Any Director who did not consider the initial grievance procedure.	Head of HR
6.2.6	The consideration of appeals made within the disciplinary procedure and relating to dismissal.	Authority panel	Head of HR
<b>6.3</b>	<b>Overtime, leave, mileage etc</b>		
6.3.1	The authorisation of overtime working and planned overtime payments to officers, subject to there being budgetary provision and to the agreed terms of employment	Head of Service	
6.3.2	The approval of the carrying over of more than the permitted amount of leave.	Chief Executive	Head of HR and appropriate Director
6.3.3	The approval of leave of more than 2 weeks duration.	Director	Head of HR
6.3.4	The granting of additional leave for personal and domestic reasons in circumstances set out in the Local Conditions of Service	Chief Executive	Head of HR and appropriate Director
6.3.5	The granting of unpaid leave in accordance with the Council's local conditions of service.	Director	Director of Resources, Head of HR and appropriate Head of Service
6.3.6	The authorisation of timesheets, mileage and subsistence claims and other reasonable expenses.	Directors and those officers authorised by them pursuant to the Financial Regulations.	

## OFFICER DELEGATION SCHEME

<b>6.4</b>	<b>Adjustment to Staffing/Establishment</b>		
6.4.1	The authorisation of requests for a variation of the period of notice to terminate employment	Chief Executive	Head of HR and Directors
6.4.2	The determination of the need to fill vacant posts	Chief Executive	Head of HR and appropriate Director
6.4.3	The advertising of any vacancy in the Council's establishment	Chief Executive	Head of HR and appropriate Director
<b>6.5</b>	<b>Training and meeting attendance</b>		
6.5.1	The authorisation, in accordance with the Council's personnel policies and procedures, of staff attendance at training, courses and seminars, and the granting of any reasonable and proper expenses in connection with this, subject to sufficient resources being available within the training budget for that Service area.	Head of Service	Chief Executive
6.5.2	The authorisation of staff undertaking further qualifications and attending connected training/examinations which are funded by the Council, in accordance the Council's personnel policies and procedures	Chief Executive	Head of HR and the Directors

6.6 When determining personnel matters or other issues within their service areas the Directors must consider the significance of the decision and whether or not to consult with the Chief Executive.

## 7. PLANNING

<b>7.1</b>	<b>Planning</b>		
7.1.1	The seeking of planning permission by the Council under the Town and Country Planning General Regulations 1992, Regulation 3	Chief Executive	Director of Economic Development and Planning

## 8. GENERAL DAY-TO-DAY MANAGEMENT OF SERVICES

8.1 Subject to any statutory requirements or provisions contained in the Council's Constitution including the Standing Orders, Contract Procedure Rules and Financial Regulations, Directors are authorised to:

8.1.1 carry out any function or task to ensure the effective and efficient day-to-day management of Council services;

8.1.2 take any action delegated to them under any Council policies, plans or procedures;

## OFFICER DELEGATION SCHEME

8.1.3 appoint consultants and obtain outside professional and technical advice and assistance subject to there being sufficient resources in the departmental revenue budget;

8.1.4 Unless otherwise referred to in Part 3 of this scheme, exercise all powers conferred on the Council by legislation, namely any other statute or regulations through the:

- serving and/or issuing of notices or requisitions for information;
- determination of any application for permissions, consents, licences or registration;
- carrying out of works in default (e.g. following non-compliance with any notice concerned with matters within his or her area of responsibility);
- exercising of powers;
- issuing of certificates;
- serving of warrants;
- making of orders;
- authorisation of officers;
- taking of enforcement action;
- institution of legal proceedings;
- issuing of licences;
- determination of grants;
- determination of plans;
- taking of samples;
- entering of premises;
- undertaking of data matching exercises;
- carrying out of any works in default following non-compliance with any notice;
- responding to formal consultations from external organisations; or
- undertaking any other necessary duties of the Council.

examples of which (but not an exhaustive list) are set out in Appendix 1.

## OFFICER DELEGATION SCHEME

**PART 3: DELEGATION TO SPECIFIC OFFICERS****1. GENERAL EXCEPTIONS**

- 1.1 The following delegations to specific officers provide for the discharge of any functions of the Council with the exception of:
- 1.1.1 those functions reserved to the Council;
- 1.1.2 those functions reserved to Committees;
- 1.1.3 those matters for which Directors consider that the delegated authority should not be exercised and that they should be referred to the appropriate Committee or sub-Committee for consideration.

**2. CHIEF EXECUTIVE**

- 2.1 The Chief Executive is authorised to exercise strategic control of the following three service groups: legal and democratic services; and environmental health.
- 2.2 The Chief Executive is authorised to discharge any Council function not otherwise delegated to the Directors.
- 2.3 The Chief Executive is authorised to act as the Council's proper officer for the purpose of any function not otherwise delegated under these arrangements.
- 2.4 The Chief Executive is authorised to act in place of a Director or Head of Service in cases of absence or unavailability unless statutory provisions prevent this.
- 2.5 The Chief Executive is authorised to discharge the functions of **Head of Paid Service**.
- 2.6 The Chief Executive is authorised to prepare the Emergency Plan.
- 2.7 The Chief Executive is responsible for civic and ceremonial functions of the Council.
- 2.8 The Chief Executive is responsible for the day-to-day management of the Council's functions in relation to:

<b>Function</b>	<b>In consultation with</b>
asset register (maintenance of)	other Directors
building control;	
cemeteries;	

## OFFICER DELEGATION SCHEME

Function	In consultation with
community leadership and development	
emergency planning;	
environmental health;	
local land charges	
legal and democratic services including electoral registration and elections;	
licensing and licensing enforcement;	
market service;	
planning enforcement	
<p>private sector housing including:</p> <ul style="list-style-type: none"> <li>○ administration of the housing grants regime;</li> <li>○ other private sector renewal activities;</li> <li>○ disabled adaptations;</li> <li>○ policies and procedures relating to the condition and occupation of the stock e.g. empty properties policy;</li> <li>○ liaison with registered social landlords and private landlords;</li> <li>○ the private sector housing strategy.</li> </ul>	
public health;	
reduction of crime and disorder; and	
requirements of the Freedom of	

## OFFICER DELEGATION SCHEME

Function	In consultation with
Information Act 2000;	

### 3. DIRECTOR OF RESOURCES

- 3.1 The Director of Resources is authorised to exercise strategic control of the following three service groups: financial services; human resources; and revenues and benefits.
- 3.2 The Director of Resources is authorised to discharge the functions of the **Chief Financial Officer** (Sections 115 and 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988).
- 3.3 References to the Director of Resources refer to his/her role as **Section 151 Officer**.
- 3.3 The Director of Resources is responsible for the day-to-day management of the following of the Council's functions:

Function	In consultation with
accountancy;	
the following administrative functions: <ul style="list-style-type: none"> <li>○ typing</li> <li>○ reception</li> <li>○ printing</li> </ul>	
the administration of benefits including fraud;	
the administration of Council Tax and national non-domestic rates including fraud;	
authority to determine requests for grants, financial assistance including hardship and discretionary charitable relief and support up to £2000;	
banking arrangements;	



## OFFICER DELEGATION SCHEME

Function	In consultation with
the cash office;	
collection of sundry debtors;	
communications;	
corporate policy;	
creditor payments;	
health and safety;	
the Council's insurance arrangements;	
internal audit;	
payroll;	
personnel and HR including industrial relations and pensions;	
Procurement;	
the requirements of the Data Protection Act 1998;	
the treasury management function (borrowing and investments); and	
the writing off of debts up to £1000	

#### 4. DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

- 4.1 The Director of Economic Development and Planning is authorised to exercise strategic control of the following two service groups: regeneration and housing and forward planning.

## OFFICER DELEGATION SCHEME

- 4.2 The Director of Economic Development and Planning is responsible for the day-to-day management of the following Council's functions:

<b>Function</b>	<b>In consultation with</b>
economic development;	
forward planning	
the planning development scheme;	
regeneration;	
strategic housing;	
conservation; and	
planning and development management including enforcement;	

## 5. DIRECTOR OF COMMUNITY SERVICES

- 5.1 The Director of Community Services is authorised to exercise strategic control of the following three service groups: cultural and leisure services; engineering services; and planning services.
- 5.2 The Director of Community Services is responsible for the day-to-day management of the Council's functions in relation to:

<b>Function</b>	<b>In consultation with</b>
CCTV systems;	
civil enforcement of parking on council owned or operated car parks;	
energy management;	

## OFFICER DELEGATION SCHEME

Function	In consultation with
engineering services;	
grounds maintenance;	
land drainage;	
leisure services including: <ul style="list-style-type: none"> <li>○ arts;</li> <li>○ art galleries and museums;</li> <li>○ recreation, sport facilities and sports development;</li> <li>○ tourism; and</li> <li>○ parks and countryside.</li> </ul>	
the maintenance of Council buildings and of plant and equipment;	
promoting healthy lifestyles and working with partner agencies to improve the health of the people in the Council's area	
public car parks;	
public conveniences;	
refuse collection, street cleansing and waste management;	
transport including fleet management and maintenance;	

**6. HEAD OF LEGAL AND DEMOCRATIC SERVICES**

- 6.1 The Head of Legal and Democratic Services is authorised to act as Solicitor to the Council and to take any action intended to give effect to a decision of the Council, its Committees, sub-Committees or an officer. In particular, s/he is authorised to make decisions and take actions with regard to:

## OFFICER DELEGATION SCHEME

- 6.1.1 the commencement, institution, prosecution, defence, termination, withdrawal or settlement of legal or other proceedings;
- 6.1.2 the authorisation of Council employees to conduct legal matters in court;
- 6.1.3 contracts;
- 6.1.4 all land and property matters under £50,000 including:
  - property valuation;
  - acquisition of land and property;
  - appropriation of land;
  - disposal of land and property; and
  - other dealings with land or any interest in land; and
- 6.1.5 the management of any appeal, challenge or objection process against or in support of any of the Council's decisions including the complaints procedure (Ombudsman).
- 6.2 The Head of Legal and Democratic Services is also authorised to discharge the functions of the Monitoring Officer.

## OFFICER DELEGATION SCHEME

### PART 4: AUTHORISATIONS

#### 1. OFFICERS AUTHORISED TO REPRESENT THE COUNCIL IN COURT AND IN OTHER HEARINGS

- 1.1 Every solicitor or legal executive employed or engaged by the Council, including the Head of Legal and Democratic Services, shall be authorised to appear on its behalf before any court, tribunal or other hearing and to exercise the powers given by the relevant professional bodies and the following postholders are authorised to appear on behalf of the Council and to conduct proceedings in court, and their powers are **additional** to the powers delegated by the Scheme of Delegation to Officers and the rights to appear in court given to solicitors, barristers and legal executives.
- 1.2 Pursuant to the Local Government Act 1972 Section 223 and the County Courts Act 1984 Section 60 (in respect of possession matters) and for any purpose for which the Council is empowered to authorise officers to appear on its behalf:
- Head of Legal and Democratic Services;
  - Solicitors;
  - the Corporate Property and Legal Officer; and
  - Legal assistants.
- 1.3 Pursuant to the Local Government Act 1972 Section 223 in respect of rating or council tax matters:
- Director of Resources
  - Head of Revenues and Benefits
  - Senior Revenues Officer; and
  - Recovery Officer.

#### 2. AUTHORISATION TO ENTER LAND OR PREMISES

##### 2.1 General

- 2.1.1 This authorisation authorises those post holders set out in the paragraphs below to enter land or premises for or in connection with their duties and pursuant to the functions mentioned.
- 2.1.2 The authority to enter land or premises shall be exercisable subject to any statutory constraints.
- 2.1.3 A reference to any Act shall include reference to any amendment or re-enactment and any subordinate legislation.
- 2.1.4 In the event that a post ceases to exist or the name of the post is changed or the responsibilities of that post are transferred to another post, temporarily or permanently, then the authority given by this authorisation shall be exercisable by the officer in whose area of responsibility the right to enter falls to be exercised.
- 2.1.5 The right to enter given by this section shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods.
- 2.1.6 A person authorised to enter land may take with him or her such other persons and equipment as may be necessary.

## OFFICER DELEGATION SCHEME

2.1.7 This authorisation entitles a person authorised to enter land to seek a warrant to enter.

2.1.8 The authorisation of an officer to enter land shall be taken as the appointment of that officer among other things for that purpose.

### 2.2 All purposes

2.2.1 The following are authorised to enter land or premises for any purposes for which the Council is empowered to authorise entry:

- Chief Executive
- Director of Community Services, Director of Economic Development and Planning and Director of Resources
- Head of Legal and Democratic Services;
- Solicitors;
- the Corporate Property and Legal Officer;
- Legal assistants; and
- Emergency Planning Officer.

### 2.3 Environmental health, housing etc

2.3.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Environmental Health Services	Animal welfare
Senior Environmental Health Officer (Food Safety/Health and Safety)	
Environmental Health Officer (Health and Safety)	
Environmental Health Officer (Housing)	
Environmental Health Officer (Pollution)	
Environmental Health Technician	
Environmental Health Technician (Pollution)	
Housing Strategy Officer	
Dog Warden	
Pest Control Officer	
Head of Environmental	Caravan sites

## OFFICER DELEGATION SCHEME

Post holder	Function
Health Services Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technician Environmental Health Technician (Pollution) Housing Strategy Officer Dog Warden Pest Control Officer	
Head of Environmental Health Services Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technician Environmental Health Technician (Pollution) Housing Strategy Officer Dog Warden Pest Control Officer	Environmental protection
Head of Environmental Health Services Senior Environmental Health Officer (Food Safety/Health and Safety)	Food safety and hygiene

## OFFICER DELEGATION SCHEME

Post holder	Function
Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technician Environmental Health Technician (Pollution) Housing Strategy Officer Dog Warden Pest Control Officer	
Head of Environmental Health Services Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technician Environmental Health Technician (Pollution) Housing Strategy Officer Dog Warden Pest Control Officer	Health and safety at work
Head of Environmental Health Services Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer	Housing



## OFFICER DELEGATION SCHEME

Post holder	Function
(Pollution) Environmental Health Technician Environmental Health Technician (Pollution) Housing Strategy Officer Dog Warden Pest Control Officer Housing Strategy Officer	
Head of Environmental Health Services Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technician Environmental Health Technician (Pollution) Housing Strategy Officer Dog Warden Pest Control Officer	Pest control
Head of Environmental Health Services Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health	Public health

## OFFICER DELEGATION SCHEME

Post holder	Function
Technician Environmental Health Technician (Pollution) Housing Strategy Officer Dog Warden Pest Control Officer	
Head of Environmental Health Services Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technician Environmental Health Technician (Pollution) Housing Strategy Officer Dog Warden Pest Control Officer	Public safety
Head of Environmental Health Services Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer Dog Warden	Street trading

## OFFICER DELEGATION SCHEME

Post holder	Function
Pest Control Officer	

**2.4 Planning**

2.4.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Planning Services Each Senior Planning Officer Each Assistant Planning Officer Principal Planning Officer (Design and Conservation)  Countryside Officer Enforcement Officer	Town and Country Planning Act 1990 Sections 178, 196A, 196B, 214B, 214C, 214D, 324 and 325;  Planning (Listed Buildings and Conservation Areas) Act 1990 Section 88;  Planning (Hazardous Substances) Act 1990 Section 36
Head of Planning Services Each Senior Planning Officer Each Assistant Planning Officer Principal Planning Officer (Design and Conservation)  Countryside Officer Enforcement Officer	Anti-Social Behaviour Act 2003 Sections 74, 77

**2.5 Building control**

2.5.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Environmental Health Services  Principal Building Control Surveyor  Building Control Surveyors	Building Act 1984 Section 95

**2.6 Local taxation**

2.6.1 Holders of the following posts are authorised to enter land or premises for the following functions:

## OFFICER DELEGATION SCHEME

Post holder	Function
Head of Revenues and Benefits Senior Revenues Officer NNDR Billing and Recovery Officer Recovery Officer Visiting Officer (Revenues)	Collection of local taxes

**2.7 Water Supplies, land drainage and sewerage undertaking**

2.7.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Environmental Health Services Senior Environmental Health Officer (Food/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Pollution) Environmental Health Officer (Housing) Environmental Health Technician Environmental Health Technician (Pollution) Head of Engineering Services Engineering Services Manager General Works Foreman/DSO Team Leader	Water Quality
Head of Engineering Services Engineering Services Manager General Works Manager Environmental Health Officer (Housing)	Land Drainage

## OFFICER DELEGATION SCHEME

Head of Environmental Health	
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**2.8 Housing Benefit**

2.8.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Benefits Manager Fraud Control Officer	Detection and investigation of Housing Benefit or Council Tax fraud
Head of Revenues and Benefits Benefits Manager Fraud Control Officer Benefits Officer Visiting Officer (Benefits)	Housing Benefit

**2.9 Other functions**

2.9.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Legal and Democratic Services Solicitor Enforcement Officer (Licensing)	Licensing under the Licensing Act 2003 and the Gambling Act 2005
Head of Legal and Democratic Services Solicitor Enforcement Officer (Licensing)	Regulation and licensing of sex establishments
Head of Legal and Democratic Services Solicitor Enforcement Officer (Licensing) Taxi Enforcement Officer	Regulation and licensing of Scrap Metal Dealers
Head of Legal and Democratic Services Solicitor	Regulation and licensing of Hackney Carriage vehicles and drivers, and private hire operators, vehicles and drivers.

## OFFICER DELEGATION SCHEME

Enforcement Officer (Licensing) Taxi Enforcement Officer	
HPA officer appointed as the Council's proper officer for such purposes	Public health functions

**3. OTHER AUTHORISATIONS**

- 3.1 The following post-holders are authorised to use the powers contained in Section 109B and 109C of the Social Security Administration Act 1992 for the purposes set out in Section 110A (i.e. they are "authorised officers" in relation to Housing Benefit and Council Tax Benefit):
- Benefits Manager; and
  - Fraud Control Officer.

## PART 5: PROPER OFFICERS

### 1. LEGISLATIVE BACKGROUND

- 1.1 Legislation requires the Council to appoint specific officers and to identify officers for particular responsibilities.

*[The appointment of a proper officer is a matter of discretion for the Council; there is no statutory definition of “proper officer”. A local authority may decide to appoint one proper officer for a particular statutory purpose, with a substitute if desirable. Or, if it seems appropriate, a local authority may decide to divide a particular statutory function between several proper officers, for example, to divide the authentication of documents between proper officers by different classes of document.]*

- 1.2 The Council has appointed the following Proper Officers named in the second column of the table below, and the deputies named in the third column of the table below, under the relevant provisions named in the first column of the table below:

<b>Statute, section and explanation</b>		
<b>Food Safety Act 1990</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Food safety. The officer of the Council for all relevant purposes under the Act.	Head of Environmental Health Services	Senior Environmental Health Officer (Food Safety/Health and Safety)
<b>Housing Act 1985 &amp; 2004</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
	Chief Executive	Director of Resources Head of Legal and Democratic Services
<b>Local Elections (Principal Areas)(England and Wales) Rules 2006</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
All references to the Proper Officer in these Rules relate to the Chief Executive	Chief Executive	Director of Resources Head of Legal and Democratic Services
<b>Local Government Act 1972</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Section 13(3) (Parish Trustee)	Chief Executive	Head of Legal and Democratic Services

## OFFICER DELEGATION SCHEME

Section 83(1) (members' acceptance of office) The officer in whose presence declarations of acceptance of office shall be made and to whom such declarations shall be delivered.	Chief Executive	Head of Legal and Democratic Services
Section 84 (resignation of members) The officer to whom a person elected to any office under the Act may deliver written notice of resignation.	Chief Executive	Head of Legal and Democratic Services
Section 88(2) (filling of casual vacancy) The officer who may convene a meeting for the election of Chairman of the District Council following a casual vacancy in that office.	Chief Executive	Head of Legal and Democratic Services
Section 89(1)(b) (filling of casual vacancy) The officer to whom notice in writing of a casual vacancy in the office of Councillor shall be given.	Chief Executive	Head of Legal and Democratic Services
Section 91 (appointment of temporary councillor)	Chief Executive	Head of Legal and Democratic Services
Sections 100B, 100C, 100D and 100F (access to information and exempt information)	Head of Legal and Democratic Services	Solicitors
Section 115(2) (account for money) The proper officer for the purposes of receiving all money from other officers of the Council under Section 115(2).	Director of Resources	Head of Financial Services
Section 146(1)(a) and (b) (transfer of securities) The officer who shall procure the transfer of securities consequent upon any change in name, area of functions of a local authority.	Director of Resources	Head of Financial Services
Section 151 (financial administration) The officer who shall have responsibility for the administration of the financial affairs of the Council.	Director of Resources	Head of Financial Services
Section 191 (liaison with Ordnance Survey) Duties in connection with Ordnance Survey.	Director of Community Services	GIS and Technical Officer
Section 225(1) (deposit of documents) The proper officer for the custody of the deposit and retention of documents.	Chief Executive	Head of Legal and Democratic Services
Section 210(6) and (7) Charities	Chief Executive	Head of Legal



## OFFICER DELEGATION SCHEME

		and Democratic Services
Section 225 (1) deposit of documents with and making of notes or endorsements and receipts	Chief Executive	Head of Legal and Democratic Services
Section 248 (2) (roll of freemen)	Chief Executive	Head of Legal and Democratic Services
Schedule 12, Part 1, Para 4(2)(b) (Council minutes) The officer who shall sign a summons to attend a Council meeting.	Chief Executive	Head of Legal and Democratic Services
Schedule 12 Part I, Para 4(3) The officer to whom a member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.	Chief Executive	Head of Legal and Democratic Services
Schedule 14 Para 25(7) (public health resolutions)	Chief Executive	Head of Legal and Democratic Services
Schedule 29, Paragraph 4(1) (a) and (c) The officer referred to as the Clerk of the Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Chief Executive	Head of Legal and Democratic Services
Schedule 29, Paragraph 4(1) (a) and (c) The officer referred to as the Head of Financial Services in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions	Director of Resources	Head of Financial Services
Schedule 29, Paragraph 4(1) (a) and (c) The officer referred to as the Surveyor in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions	Director of Community Services	Principal Surveyor

## OFFICER DELEGATION SCHEME

<b>Local Government Act 1974</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Part III (Local Government Ombudsman) Section 30(5). Publication in newspapers of reports of Local Commissioner.	Chief Executive	Head of Legal and Democratic Services
<b>Local Government Finance Act 1988</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Section 114 Financial report to the Authority.	Director of Resources	Head of Financial Services
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Section 41 (evidence of minutes and so on) Certification of copies of resolutions, minutes and other documents.	Chief Executive	Head of Legal and Democratic Services
<b>Local Government and Housing Act 1989</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Section 2 (politically restricted posts)	Chief Executive	Head of Human Resources
Section 4 (Head of paid service)	Chief Executive	
Sections 5, 5A (Monitoring Officer)	Head of Legal and Democratic Services	Solicitors
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Political groups	Chief Executive	Head of Legal and Democratic Services
<b>Local Authorities (Members' Allowances) (England) Regulations 2003</b>		
Members' allowances	Director of Resources	Head of Legal and Democratic Services
<b>National Assistance Act 1948</b>		

## OFFICER DELEGATION SCHEME

	<b>Proper Officer</b>	<b>Deputy</b>
<p>Section 47 (removal of people in need)</p> <p>The proper officer for action to be taken regarding infectious diseases to be specially reported and making of weekly and quarterly returns.</p> <p>The proper officer who shall issue a certificate to the local authority and give oral evidence to a court of summary jurisdiction on application being made for an order authorising the removal of a person in need of care and assistance.</p>	The Director of Public Health	
<b>Public Health Act 1936</b>		
	<b>Proper Officer</b>	<b>Deputy in cases of emergency only</b>
Section 79 (removal of noxious matter)	Head of Environmental Health Services	Environmental Health Officers
<p>Section 84 (verminous articles) &amp; 85 (verminous people)</p> <p>The proper officer of the Council who shall certify to the local authority that any premises, articles or clothing are filthy or verminous and who shall authorise a registered medical practitioner, or a woman duly authorised by the medical officer of health to carry out the cleaning of females under Section 85.</p>	Head of Environmental Health Services	Environmental Health Officers
<b>Public Health Act 1961</b>		
	<b>Proper Officer</b>	<b>Deputy in cases of emergency only</b>
Section 37 (verminous articles)	Head of Environmental Health Services	Environmental Health Officers
<b>Public Health (Control of Disease) Act 1984</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Public Health (Control of Disease) Act 1984, Section 74	Dr Kenneth Lamden	Dr John Astbury, Kate Brierley, Nicola Schinaia, and Grainne Nixon each of Public Health England

## OFFICER DELEGATION SCHEME

<b>Representation of the People Act 1983</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Section 8 Electoral Registration Officer	Chief Executive	Head of Legal and Democratic Services
Section 35 Returning Officer	Chief Executive	Director of Resources
Section 67(7)(b) in relation to a local government election, a Proper Officer within the meaning of section 270(3) and (4) of the Local Government Act	Chief Executive	Director of Resources
Section 128 – proper officer to receive a copy of any petition questioning a local government election	Chief Executive	Director of Resources
<b>Other</b>		
	<b>Proper Officer</b>	<b>Deputy</b>
Any other provision for which arrangements are not specifically made under this Scheme of Delegation	Chief Executive	Head of Legal and Democratic Services except in relation to financial matters, in which case, Director of Resources

## OFFICER DELEGATION SCHEME

### **APPENDIX 1 – LEGISLATION**

Animals Act 1971  
Animal By Products (Enforcement) (England) Regulations 2013  
Animal and related products regulation 2011  
Animal Boarding Establishment Act 1963  
Animal Welfare Act 2006  
Anti-social behaviour crime and policing Act 2014  
Breeding of Dogs Act 1973 and 1991  
Building Act 1984  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act 1960  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
Consumer Protection Act 1987  
County of Lancashire Act 1984  
Crime and Disorder Act 1998  
Criminal Justice and Public Order Act 1994  
Criminal Justice Act 2003  
Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Data Protection Acts 1984 and 1998  
Disability Discrimination Act 1995  
Dogs (Fouling of Land) Act 1996  
Environment Act 1995  
Environmental Protection Act 1990  
European Communities Act 1972 and EC Regs 178/2002, 852/2004, 853/2004, 854/2004, 882/2004  
Films Act 1985  
Food and Environmental Protection Act 1985  
Food Safety Act 1990 (as amended ) & Regulations made thereunder  
Food Safety and Hygiene (England) Regulations 2013  
Gambling Act 2005  
General Food Regulations 2004  
Guard Dogs Act 1975  
Health and Safety at Work etc Act 1974  
Health Act 2006  
Health Protection (Part 2A Orders) Regulations 2010  
Highways Act 1990  
Home Energy Conservation Act 1995  
Housing Acts 1988, 1995, 1996, 2004  
House to House Collections Act 1939 (and the House to House Regulations 1947)  
Housing Grants, Construction and Regeneration Act 1996  
Human Rights Act 1998  
Land Drainage Act 1991  
Local Government Acts 1972 and 2000  
Local Government Finance Acts 1988 and 1992  
The Local Government and Public Involvement in Health Act 2007  
Leasehold Reform Act 1967  
Licensing Act 2003  
Litter Act 1983  
Localism Act 2011  
Local Government and Housing Act 1989  
Local Government (Miscellaneous Provisions) Act 1976 and 1982

## OFFICER DELEGATION SCHEME

### Local Byelaws

Mineral Workings Act 1985

Mobile Homes Act 2013

National Assistant Act 1948

National Parks and Access to the Countryside Act 1949

New Roads and Street Works Act 1991

Noise Act 1996

Offices, Shops and Railway Premises Act 1963

Official Feed and Food Controls (England) Regulations 2009

Party Wall Act 1996

Pet Animals Act 1951

Police and Criminal Evidence Act 1984

Police Crime and Anti -Social Behaviour Act 2014

The Police Factories, etc (Miscellaneous Provisions) act 1916 and local byelaws made under it.

Pollution Prevention and Control Act 1999

Prevention of Damage by Pests Act 1949

Public Health Act 1936 and 1961

Public Health (Control of Disease) Act 1984

Refuse Disposal (Amenity Act) 1978

Regulation of Investigatory Powers Act 2000

Rent (Agriculture) Act 1976

Reservoirs Act 1975

Road Traffic Regulations Act 1984

Safety of Sports Grounds Act 1975

Scrap Metal Dealers Act 2013

Social Security Administration Act 1992

Social Security Administration (Fraud) Act 1997

Social Security Fraud Act 2001

Sporting Events (Control of Alcohol etc) Act 1985

Sunday Trading Act 1994

Theatres Act 1968

Thefts Act 1968 and 1978

Town and Country Planning Act 1990

Town Police Clauses Act 1847

Trade Descriptions Act 1968-1972

Transport Act 1968 and 1985

Water Industries Act 1991

Zoo Licensing Act 1981

**Together with regulations made under the respective Acts.**