



Council

21 November 2011

**Subject: Amendments to Constitution**

Report by:

Monitoring Officer

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Purpose / Summary:

The Policy and Resources Committee at the meeting on 18 October 2011 agreed to the retirement of a Director and the Chief Officer. The Employment Committee on 6 October 2011 agreed to changes in the management structure of the Council. These changes necessitate amendments to the Constitution which were considered by the Governance and Audit Committee and are recommended to Council for agreement.

**RECOMMENDATION(S):**

**That Council agree to amendments to the Council's Constitution as detailed in Section 2 of this report and Appendix 1 and that these changes come into effect on 1 December 2011.**

## IMPLICATIONS

**Legal:** In order to ensure the correct functioning of the Council the responsibility of Officers needs to reflect the revised management structure.

**Financial:** There are only very limited financial implications as a result of making amendments to the constitution. These relate to the resources needed to make changes to electronic records and to the very limited printing costs of producing amended pages for paper copies of the Constitution.

**Staffing:** None arising from this report.

**Equality and Diversity including Human Rights :** None arising from this report.

**Risk Assessment:** Failure to amend the constitution to reflect changes in the management structure would lead to a risk of decisions being made outside of authorisations which could lead to a risk of legal challenge and reputational risk for the Council.

**Climate Related Risks and Opportunities :** None arising from this report.

### **Title and Location of any Background Papers used in the preparation of this report:**

Council reports and Constitution 18 April 2011. Accessed through WLDC website "Meetings, agendas, minutes and reports".

Minutes from Chief Officer Employment Committee - 6 September, 22 September and 6 October 2011. Accessed through WLDC website "Meetings, agendas, minutes and reports".

Minute from Policy and Resources Committee meeting 18 October 2011.

Accessed through WLDC website "Meetings, agendas, minutes and reports"

Report GA.25 11/12 and minute of the Special Governance and Audit Committee meeting 3 November 2011. Accessed through WLDC website "Meetings, agendas, minutes and reports".

**Call in and Urgency:**

**Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes  No

**Key Decision:**

Yes  No

**1 Introduction**

1.1 Members will be aware that a major review of the Council's constitution took place earlier in 2011 and culminated in Council agreeing a revised Constitution at its meeting on the 18 April 2011.

Since then there have been some minor changes made to the Constitution.

1.2 Changes to the management structure have recently been agreed at the Chief Officer Employment Committee 6 October and also the Policy and Resource Committee meeting on 18 October 2011. These changes to the management structure mean that there is a different Director structure and Service Manager arrangements.

1.3 In summary the agreed changes mean that:-

- the post of Director of Neighbourhoods & Health is removed from the establishment and the current post holder will leave on 31 December 2011.
- the appointment to a post of Director of Regeneration and Planning is intended to take place by the end of November 2011.
- the Director of Strategy and Regeneration will become the Director of Localism and Communities.
- the service manager structure will need to be changed depending on the appointment to the new Director post.

These changes mean that the constitution will similarly need to be changed.

**2 Constitution Changes**

2.1 Changes need to be made to the following sections and pages of the Constitution to reflect the changes and these are detailed below. The proposed changes are highlighted on the relevant pages as shown in the Appendix 1.

- Part II/Page 25  
The list of Chief Officers in section (b) are changed to reflect the changed structure, and section (c) is changed to reflect the Monitoring Officer role done by the Director of Localism & Communities

Revised pages are included in Appendix 1.

- Part IV Responsibility for Functions  
Pages 25 to 36 and pages 52 to 55 Proper Officer functions need to be changed.  
These reflect the new Director functions and that the Chief Executive will deal with all Returning Officer functions. The amended pages are included in Appendix 1.
- Part VII This is the management structure and is amended as far as can be at this time to show changes and the posts.

The amended pages are contained in Appendix 1.

2.2 There are other changes that will need to be made in relation to the Service Manager structure in due course and it is intended that these are dealt with at annual Council and that in the interim that Directors use their delegated powers to cover these matters. For example :-

- Part I Page 6 the list of groupings of Council Services will need to be changed to reflect the changes in Directorates and Service Managers.
- Part II page 25 and 26 list of Service Managers will need to be changed
- Part IV responsibility for functions
- Part VII the Management structure

### **3 Governance and Audit Committee**

3.1 The Governance and Audit Committee held a special meeting on 3 November 2011 to consider a report on proposed changes to the constitution with a view to recommending to Council changes to the Constitution.

3.2 The extract from the minute from that meeting is as follows :-

The Director of Neighbourhoods and Health presented the report which sought approval of changes to the Constitution arising from the decisions made by the Chief Officer Employment Committee in terms of the retirement of the Director of Neighbourhoods and Health and subsequent changes to the management structure.

The changes were merely technicalities to reflect new post titles and roles, and to establish the ownership of statutory functions. Certain delegations within the Proper Officer roles required changes to ensure proper processes were followed in the course of the Council's business.

In summary, the post of Director of Neighbourhoods and Health was being removed from the structure, a new post of Director of Regeneration and Planning had been created and was currently undergoing the recruitment process. The Director of Strategy and Regeneration post was to be renamed Director of Localism and Communities and was to take on some of the functions of the Neighbourhoods and Health post. The Chief Executive was

to be designated as the Electoral Registration Officer and the Returning Officer.

The new post of Director of Regeneration and Planning would have responsibility for Technical and Contracts, Planning and Development, Regeneration, Housing Renewal and Community Safety. The Director of Localism and Communities would take responsibility for Public Protection and Operational services.

A structure chart was appended to the report showing the new Director posts, the appointment to which was ring fenced to four Service Managers. Following that appointment further work would need to be done to address the remit of the remaining Service Managers, for which a report would be submitted to Council, as further amendments would be required to the Constitution.

Members had concerns and asked questions about the process of the change of structure and the appointment of a new Director, but assurance was given that due consideration had been given to all aspects of the project by the Chief Officer Employment Committee. The Governance and Audit Committee was concerned that an appointment be made on ability to undertake the role and that this decision not be rushed because of time constraints.

Further discussion then took place on the level and scope of delegated decisions and the method of communicating these to Members. It was agreed that this was something that could be added into the Work Plan for the Governance and Audit Committee to consider in the future. Any Members with specific concerns to supply examples.

It was reiterated that the purpose of the report before the committee was simply to address those changes that needed making to the Constitution

**RESOLVED** that:

- a) it be recommended to Council that approval be given to amendments to the Constitution as detailed in the report and that the changes come into effect on 1 December 2011, by which time a Director of Regeneration and Planning will have been appointed;
- b) the matter of delegated decisions be added to the Work Plan for consideration by the Governance and Audit Committee.

#### **4.0 Recommendations**

Council is asked to consider the recommendation from the Governance and Audit Committee relating to the amendments to the constitution referred to in Section 2 above and the revised pages as provided in Appendix 1 of the report. It is recommended that the changes to the constitution come into effect on 1 December 2011.

## Appendix 1

# Article 11 Officers

## Explanatory Note

This Article describes the structure of the senior management of the Authority and the roles of the Head of Paid Service, Monitoring Officer and Chief Finance Officer. The use of the word “officers” means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short term, agency or other non employed situation.

### 11.1 Management Structure

(a) **General**

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers**

The Council will engage persons for the following posts, who will be designated Chief Officers -

Chief Executive

Director of Localism & Communities

Director of Resources and Deputy Chief Executive

Director of Regeneration and Planning

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 officer)**

The Council will designate the following posts as shown -

Head of Paid Service - Chief Executive

Chief Finance Officer – Financial Services Manager

Monitoring Officer - Director of Localism & Communities

Such posts will have the functions described in Articles 11.2 – 11.4 below.

## Chief Executive

1. To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff and the terms and conditions on which they are employed)
2. To determine conclusively any question which may arise as to the interpretation and application of the "Responsibility for Functions".
3. In accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990, to agree the overall allocation of seats to Groups resulting from the application of rounding.  
**(Limits on delegations:** Following consultation with Group Leaders).
4. To determine any matter within the referred or delegated powers and duties of a committee/sub-committee/board/ working group which is so urgent that a decision must be made before the next meeting of that committee/sub-committee/board/working group is due to be held.  
**(Limits on delegations:** Before making any decision pursuant to this delegated power, the Chief Executive shall consult with and take cognisance of the views of the Chairman of the relevant committee/ sub-committee/ board/ working group (or, in his/ her absence, the Vice-Chairman of that committee/ sub-committee/ board/ working group). Any decision taken by the Chief Executive under this delegated power shall be reported in the Information Booklet for Members).
5. To determine the closing time of Council offices and depots on the last working day before Christmas Day.  
**(Limits on delegations:** After consultation with the Chairman of the Policy and Resources Committee).
6. To appoint substitute members to serve on committees and sub-committees in accordance with nominations put forward by the Political Groups on the Council.
7. For those organisations where representation is normally determined at Annual Council, to make appointments where vacancies exist following the annual meeting of Council.  
**(Limits on delegations:** In consultation with the Chairman of the Council).
8. To take all such action and proceedings and to sign all such directions, notices applications or other process in relation to Sections 77, 78 and 79 of the Criminal Justice and Public Order Act 1994 as deemed to be necessary and appropriate on behalf of the Council.  
**(Limits on delegations:** In consultation with the Chairman of the Prosperous Communities Committee).

9. To be Head of Paid Service under Section 4 of the Local Government and Housing Act 1989.
10. In the event of extreme inclement weather; or insufficient business to warrant calling a meeting or other unforeseen circumstance to cancel or postpone a meeting of the Council, a committee, sub-committee etc.
11. To establish and maintain an accountability framework to implement devolved management arrangements.
12. To determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers (This is set out in Part VII of the Constitution).
13. To add entries to the Capital Programme provided that they are fully externally funded in consultation with the Leader of the Council and the Chief Finance Officer.
14. To be the Returning Officer for local government elections.
15. To be the Electoral Registration Officer
16. In the absence of the Chief Executive the delegated powers in 1-13 above may be exercised by the Deputy Chief Executive.



## Director of Regeneration and Planning

### Technical and Contract Services Manager

1. Where appropriate, to appoint a competent person to be the CDM Coordinator under the Construction (Design and Management) Regulations 2007.
2. To deal with all enquiries for the disposal of small areas of land or rights over land, subject to the following conditions being satisfied -
  - (a) the affected land is deemed to be surplus to the Council's requirements and, for sales, can be disposed of in one transaction or one series of transactions;
  - (b) there is the prospect of generating some income or some other tangible benefit to the Council such as no further management or maintenance of the land; and
  - (c) there are no potential long-term management problems or legal encumbrance associated with the sale or grant which would negate the value of (b).
3. To assign leases.
4. To agree and sign Licences and Way leaves affecting Council land.
5. To approve miscellaneous short-term lettings.
6. To negotiate terms to take a lease or licence or to acquire the freehold of land or premises where a service need has been identified and budgetary provision made.
7. To enter into Agreements relating to the adoption of sewers.
8. To appoint Consultants where necessary within the budget to ensure compliance with the Council's Capital works Programme, or to provide technical advice on work of a specialist nature.
9. To terminate leases and licenses, including issuing Notices to Quit and Notices under the provisions of the Landlord and Tenant Act 1954, where possession is required by the Council for an approved purpose.
10. To arrange for the renewal, on appropriate terms, of leases and licences.

11. To submit applications for planning permission, listed building consent and other necessary consents in respect of any works included in the approved capital or revenue programme.
12. To submit tenders/quotations up to the value of £75,000 for work for public bodies as defined by the Local Authority (Goods and Services) Act 1970 and to any other organisations permitted by legislation.
13. To take all such action and proceedings and to sign all such directions, notices, applications or other process in relation to obtaining possession of any part of the Council's land holding from unauthorised campers, travellers and other trespassers as deemed to be necessary and appropriate on behalf of the Council.

### **Planning and Development Services Manager**

1. To determine the following:
  - Applications for planning permission
  - Applications for Listed Building and Conservation Area Consent
  - Applications made under the Hazardous Substances regulations
  - Applications for consent to display advertisements
  - All prior approval applications

The above powers cannot be used if the following circumstances apply:

- (a) In the case of an application it is intended to determine in conflict with a representation received from a parish or town council, a neighbour or other person or organisation, that application will be referred to the Development Management Committee for determination where, in the professional opinion of the Planning and Development Services Manager or the Development Management Team Leader:
  - (i) The representation relates to a "planning matter"; and
  - (ii) The representation is relevant to the application under consideration; and
  - (iii) The planning matters under consideration in the determination of the application are finely balanced.
- (b) The application has been subject to a request by a councillor, made within 28 days of the publication of the weekly list upon which the application first appeared and supported by relevant planning policies and other material planning considerations, to have it determined by the Development Management Committee for one of the following reasons;

- (i) The application is of major importance or significance to the District as a whole and therefore requires the input of Councillors in its determination
- (ii) There is, in the opinion of the Councillor making the request, a valid planning reason why the application should be determined by the Planning Committee and this is supported by planning policy.

It will be for the Planning and Development Services Manager or the Development Management Team Leader to decide, on the basis of the planning reasons given by the councillor or planning policies referred to, whether the application should be referred to the Development Management Committee for determination.

- (c) An application has been on deposit in the statutory register for a period of less than 28 days or the period allowed for consultation replies to be received has not expired, whichever is the later.
  - (d) The applicant or agent is a councillor.
  - (e) The applicant or agent is from the immediate family of a councillor
  - (f) The applicant or agent is an officer of the Council
  - (g) The applicant or agent is from the immediate family of an officer of the Council
  - (h) The Planning and Development Services Manager or the Development Management Team considers it appropriate that the application is determined by the Development Management Committee.
2. To determine all other matters which are part of the development management process, including (but not exclusively):
- (a) Approve details to discharge conditions attached to planning permissions
  - (b) To enter into negotiations and reach agreements concerning obligations, agreements and undertakings – including those to do with s106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy.
  - (c) To approve the details of agreements and obligations made under the planning acts (including those made under s106 of the Town and Country Planning Act 1990).
  - (d) To approve non-material amendments to planning permissions

- (e) To determine those organisations and individuals who should be consulted on planning and other applications
  - (f) To deal with planning appeals
  - (g) To decide the need for and content of environmental statements
  - (h) To decline to determine applications where a previous application has been dismissed at appeal and the new application is substantially the same.
3. To initiate planning enforcement action (including all action related to the listed buildings and trees), including (but not exclusively):
- (a) To serve enforcement notices
  - (b) To serve breach of condition notices
  - (c) To issue stop notices
  - (d) To issue temporary stop notices
  - (e) To serve planning contravention notices
  - (f) To serve s215 notices
  - (g) To authorise prosecution

Under all relevant statutes or any subordinate rules, orders or regulations.

- 4. To determine it is not expedient to take enforcement action in accordance with the Council's enforcement policy unless the Development Management Committee has authorised the enforcement action.
- 5. To make Tree Preservation Orders and to confirm orders where no objection – relevant under current legislation – has been made.
- 6. To determine all applications to lop, top or fell protected trees.
- 7. To determine notices to make safe dangerous trees in private ownership and to take action to make the tree/s safe.
- 8. To determine all applications for the removal of hedgerows in accordance with the Hedgerow Regulations 1997.
- 9. To deal with and adjudicate on complaints about high hedges under the Anti-Social Behaviour Act 2003.
- 10. To confirm any unopposed footpath orders following the expiration of the statutory consultation period.

11. To determine all applications relating to certificates of lawful use or development and related applications [NB the provisions set out in paragraph 1 points d to g with regard to officer and member applications and family relationships also apply to this category of application]
12. To make objections to the issuing of operators licences under the Transport Act 1968 and the Goods Vehicles (Operators Licences Qualifications and Fees) Regulations 1984.
13. To respond to consultations from Government (including agencies) on proposals to introduce new policies, procedures or legislation or to alter existing policies procedures or legislation.
14. To respond to consultations from neighbouring councils on applications which might have an impact on the District, unless in the opinion of the Planning and Development Services Manager or the Team Leader Development Management that impact is of wider significance or of major importance to West Lindsey.
15. To respond to consultations on proposals for major infrastructure developments within or having an impact upon the District, unless in the opinion of the Planning and Development Services Manager or the Team Leader Development Management that impact is of wider significance or of major importance to West Lindsey.
16. To respond to consultations on pipeline consents within the District, unless in the opinion of the Planning and Development Services Manager or the Team Leader Development Management that impact is of wider significance or of major importance to West Lindsey.
17. To respond to consultations on county matters or county developments, unless in the opinion of the Planning and Development Services Manager or the Team Leader Development Management that impact is of wider significance or of major importance to West Lindsey.

## **Regeneration Services Manager**

### ***General***

1. To draw up service level agreements (SLAs) with other organisations for the effective delivery of services related to regeneration which includes, but is not limited to, economic development, tourism and skills and employment.

2. To enter into partnerships that increase the benefit, services and influence available to West Lindsey District Council with other organisations related to regeneration, which includes, but is not limited to, economic development, tourism and skills and employment.

### ***Gainsborough Markets***

3. To alter the approved fees and charges for Gainsborough Market stalls and pitches for a limited period, in exceptional circumstances e.g. relocation of the market or significant loss of traders, in consultation with the Chairman of the Policy & Resources Committee.
4. To amend the Code of Practice for Traders, should the need arise, in consultation with the Chairman of the Policy & Resources Committee.
5. To approve the cancellation of markets in exceptional circumstances in consultation with the Chairman of the Policy & Resources Committee.
6. To approve the dates of any extra markets in Gainsborough Market Place / Silver Street at any time of the year, in consultation with the Chairman of the Policy & Resources Committee.

### ***Trinity Arts Centre:***

7. To alter the approved fees and charges for a limited period, taking into account the circumstances at any given time.

### **Housing, Renewal and Community Safety Service Manager**

1. To agree Building Society variations to mortgage of property subject to “Right to Buy” provisions.
2. To postpone the discount charge for all organisations specified by Section 156 of the Housing Act 1985 and any other financial organisation where the mortgagor account has not been conducted satisfactory  
**(Limits on delegation:** Following consultation with the Chairman or Vice-Chairman of the Prosperous Communities Committee).
3. To determine housing applications within the term of the current homelessness legislation.
4. To approve applications to be placed on the Council’s Housing Register which fall within the criteria for acceptance.

5. To make nominations to RSLs and other agencies in accordance with the Council's approved housing allocation policies.
6. To provide professional services and make financial grants to property owners and tenants to assist in the improvement, adaptation, conversion and renovation of dwellings and houses in multiple occupation.
7. To take action in respect of; the repair, closing or demolition of dwellings failing to meet the necessary legal standard (currently set out through the Housing Health and Safety Rating System) or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the control of houses in multiple occupation.
8. To decide on applications for home improvement grants and for home repairs assistance.
9. To serve notices for execution of repairs for privately owned dwellings, including houses in multiple occupation and, if necessary, to exercise the Council's powers to institute or secure the institution of works in a default of compliance with such notices. To promote the voluntary Landlord Accreditation Scheme and to promote other good management practices in relation to privately owned dwellings to prevent the need for enforcement or regulatory action to be required.
10. To issue licences for houses in multiple occupation, together with the imposition of conditions as appropriate, to take the necessary enforcement and regulatory powers and to revoke licences where necessary.
11. To extend time in which renovation grant work may be completed provided that the extension does not commit the Council to another financial year.
12. To exercise powers contained in Section 1, 3, 4,9,10 and 11 of the Caravan Sites and Control of Development Act 1960.
13. On the breach of any condition attached to a grant made under the Local Government and Housing Act 1989 or the Housing Grants, Construction and Regeneration Act 1996, to approve in special circumstances, the waiver of repayment of the grant monies, or where legislation allows, part thereof
14. To approve the transfer of mortgaged property in circumstances covered by the exempt provisions of the Housing Act 1985 or as a result of family circumstances.

15. To seek the repayment of Renovation Grants (Housing Act 1985 and Local Government and Housing Act 1989) and Housing Grants (Construction and Regeneration Act 1996).
16. To make determinations under the Housing Health and Safety Rating System.
17. To grant licences to permit the use of land for moveable dwellings to take legal proceedings for non-compliance with conditions, in accordance with the provisions of section 269 of the Public Health Act 1936.
18. To undertake action, including licensing, the promoting of orders and enforcement measures as required under the Housing Act 2004, not covered by any of the above delegations.
19. To give a direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to give notice of such a direction to those persons to whom the direction applies.
20. To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations (as amended) relating to the removal and disposal of abandoned vehicles and the recovery of costs.
21. To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations relating to anything (other than motor vehicles) abandoned without lawful authority and the recovery of costs.
22. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - (b) Act as inspectors
  - (c) Act as a competent person
  - (d) Act in a statutory role
  - (e) Administer the provisions
  - (f) Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed below.

The Dogs Act 1906 as amended by the Local Government Act 1988

Prevention of Damage by Pests Act 1949

Building Act 1984

Environmental Protection Act 1990

Dangerous Dogs Act 1991

Dogs Fouling of Land Act 1996

Clean Neighbourhoods and Environment Act 2005

Animal Welfare Act 2006



## **Director of Localism & Communities**

1. To nominate the Council's Data Protection Officer.
2. To take all such actions and decisions in the proceedings of the Lincolnshire Shared Legal Services Partnership.
3. To monitor authorisations to conduct surveillance under the Regulation of Investigatory Powers Act 2000.

### **Public Protection Services Manager**

1. To decide, approve, determine, consider representations and applications, vary, issue, relax, refuse, revoke, withdraw licences, licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 3.
3. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - (b) Act as inspectors
  - (c) Act as a competent person
  - (d) Act in a statutory role
  - (e) Administer the provisions
  - (f) Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 3 below.

4. The powers in paragraph 2 above apply to the following legislation:

The Dogs Act 1906 as amended by the Local Government Act 1988,  
Performing Animals Act 1925  
Public Health Act 1936  
National Assistance Act 1948 as amended by the National Assistance  
(Amendment) Act 1951.  
Prevention of Damage by Pests Act 1949  
Pet Animals Act 1951  
Rag, Flock and other Filling Materials Act 1951  
Public Health Act 1961

Animal Boarding Establishments Act 1963  
Scrap Metal Dealers Act 1964  
Riding Establishments Act 1964 and 1970  
Slaughter of Poultry Act 1967  
The Agriculture (Miscellaneous Provisions) Act 1968  
European Communities Act 1972  
Breeding of Dogs Act 1973  
Control of Pollution Act 1974  
Health and Safety at Work etc Act 1974  
Dangerous Wild Animals Act 1976  
Land Drainage Act 1976  
Local Government (Miscellaneous Provisions) Act 1976 and the Town Police  
Clauses Act 1847  
Refuse Disposal (Amenity) Act 1978  
Zoo Licensing Act, 1981  
Animal Health Act 1981  
Local Government (Miscellaneous Provisions) Act 1982  
Control of Asbestos Work Regulations and the Asbestos (Licensing) Regulations  
1983.  
Building Act 1984  
Public Health (Control of Diseases) Act 1984  
Food and Environmental Protection Act 1985  
Natural Mineral Waters Regulations 1985  
Control of Pesticides Regulations 1986  
Public Health (Infectious Diseases) Regulations 1988  
Health & Safety (Enforcing Authority) Regulations 1989  
Water Act 1989  
Food Safety Act 1990  
Environmental Protection Act 1990.  
Water Industry Act 1991  
Dangerous Dogs Act 1991  
Private Water Supplies Regulations 1991  
Land Drainage Act 1991  
Controlled Waste Regulations 1992  
Clean Air Act 1993  
Noise and Statutory Nuisance Act 1993  
Sunday Trading Act 1994  
Criminal Justice and Public Order Act 1994  
Environment Act 1995  
Dogs Fouling of Land Act 1996  
Noise Act 1996  
Crime and Disorder Act 1998  
Police Reform Act 2002

Licensing Act 2003  
Food Safety Act 1990 (Amendment) Regulations 2004  
General Food Regulations 2004  
Official Feed and Food Controls (England) (Regulations 2005)  
Gambling Act 2005, under the authority of Section 101 of the LGA 1972.  
Clean Neighbourhoods and Environment Act 2005  
Food Hygiene (England) Regulations 2006  
Animal Welfare Act 2006

### **Operational Services Manager**

1. To set charges for the collection and disposal of commercial waste,
2. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery under the following legislation :-
    - Clean Neighbourhood and Environment Act 2009 (Section 47A)
    - Environment Protection act 1990 (Section 33 and 46)

## Proper Officers

The following officers have been designated “proper officers” for these functions:

Statute	Function	Proper Officer
Sections 84 and 85 Public Health Act 1936	Cleansing of filthy or verminous articles, persons or clothing persons or clothing	Director of Localism & Communities
Section 47 National Assistance Act 1948 as amended by the National Assistance Act 1951	Removal of persons to suitable accommodation in specified circumstances	Director of Localism & Communities
Section 37 Public Health Act 1961	Disinfestation of verminous articles offered for sale	Director of Localism & Communities
Section 83 Local Government Act 1972 (LGA 1972 )	Witness & receipt of declarations of acceptance of office of Chairman, Vice-Chairman & Councillors	Chief Executive Deputy Chief Executive
Section 84 LGA 1972	Receipt of written notice of resignation of office of Chairman, Vice-Chairman & Councillors	Chief Executive Deputy Chief Executive
Section 88 LGA 1972	Convene a Council meeting for the election to the vacant office of Chairman of the Council.	Chief Executive Deputy Chief Executive
Section 89 LGA 1972	Receipt of notice in writing of a casual vacancy occurring in the office of Councillor given by two local government electors for the electoral area.	Chief Executive Deputy Chief Executive
Section 100b(2) LGA 1972	Exclusion from council agendas any information which is likely to be dealt with in the absence of the press and public.	Chief Executive & Directors
Section 100B(7)c LGA 1972	Supply to any newspaper copies of documents supplied to Members of the Council in connection with an item to be considered at a meeting.	Chief Executive & Directors
Section 100C (2) LGA 1972	Preparation of a written summary of proceedings of committees and sub-committees of the Council.	Chief Executive Deputy Chief Executive
Section 115 LGA 1972	Receipt of monies from accountable officers	Chief Finance Officer

Statute	Function	Proper Officer
Section 146 LGA 1972	Certificates as to securities on alteration of local authority area or name	Director of Resources
Section 151 LGA 1972 (and Section 114 Local Government and Finance Act 1988)	Responsibility for the proper administration of the Council's financial affairs.	Chief Finance Officer Deputy Chief Finance Officer
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders	Directors
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of such document	Chief Executive Deputy Chief Executive
Section 231 LGA 1972	Receive documents required to be served on the council	Chief Executive Deputy Chief Executive
Section 234 LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue	Chief Executive & Directors
Section 238 LGA 1972	Certification of printed copies of by-laws	Chief Executive Deputy Chief Executive
Schedule 12 (para. 4(2)(b)) LGA 1972	Signature of summons to attend council meetings & receipt of notices regarding the address to which a summons to a meeting is to be sent.	Chief Executive Deputy Chief Executive
Schedule 14 (para. 25(7)) LGA 1972	Responsibility for true copies of resolutions.	Chief Executive Deputy Chief Executive
Sections 3 and 19 Land Charges Act 1975	Act as the Local Registrar.	Director of Resources
Section 41 Local Government (Miscellaneous Provisions) Act 1976.	Certification of minutes, resolution, orders & reports as evidence of resolutions of proceedings	Chief Executive
Section 28 Representation of the People Act 1983 (RPA 1983)	Acting Returning Officer for a parliamentary election.	Chief Executive

Statute	Function	Proper Officer
Section 35 RPA 1983	Returning Officer for local government elections.	Chief Executive
Section 8 RPA 1983	Electoral Registration Officer.	Chief Executive
Sections 11, 18, 20, 21, 22, 24, 29, and 31 – Public Health (Control of Disease) Act 1984; Regulations 8 and 9 and Schedules 3 and 4 – Public Health (Infectious Diseases) Regulations 1988	Notification and control powers for communicable diseases	Director of Localism & Communities
Ss 36, 40, 42, 43 and 48 – Public Health (Control of Disease) Act 1984; Regulations 6, 9, 10 and Schedules 3 and 4 – Public Health (Infectious Diseases) Regulations 1988	Notification and control powers for communicable diseases	Director of Localism & Communities
S.2 Local Government and Housing Act 1989 (LG&HA 1989 )	Hold on deposit the list of politically restricted posts.	Human Resources Manager
Section 3 LG&HA 1989 as amended by Section 202 Local Government and Public Involvement in Health Act 2007	Issue employer's certificate for exemption from politically restricted posts.	Chief Executive Deputy Chief Executive
Section 4 LG&HA 1989	Head of the Paid Service.	Chief Executive
Section 5 LG&HA 1989	Monitoring Officer.	Director of Localism and Communities
Section 15 LG&HA 1989 & Local Government (Committees & Political Groups) Regulations 1990	Receipt of notices relating to the membership of political groups.	Chief Executive Deputy Chief Executive
Regulation 23 Non-Domestic (Collection & Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List	Chief Finance Officer

Statute	Function	Proper Officer
Local Authorities (Referendums) (Petitions & Directions) Regulations 2000	Functions relating to verification and publicity of petitions	Electoral Registration Officer
Section 36 Freedom of Information Act 2000	Act as the 'qualified person'	Monitoring Officer Deputy Monitoring Officer
Local Authorities (Standing Orders) Regulations 2001	Notices regarding proposed appointments of staff	Chief Executive
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer	Electoral Registration Officer

