

# Constitution of West Lindsey District Council

## Part IV

# Responsibility for Functions

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## Council

The following functions will only be exercised by the full Council:

1. To approve and adopt the following plans and strategies which together make up the Council's budgetary and policy framework:
  - Budget<sup>1</sup> and Council Tax including council tax base
  - Corporate Plan
  - Community Safety Plan (Crime and Disorder Reduction)
  - Local Plan
  - Housing Strategy Statement
  - Statements of Licensing Policy and Gambling Policy
  - Commercial Plan
  - Pay Policy Statement
2. To consider and determine whether any additional plans or strategies, both statutory and non-statutory, should be adopted or approved;
3. To adopt and change the Constitution when necessary after consideration by the Governance and Audit Committee;
4. At the annual meeting to appoint the Leader and Deputy Leader of the Council;
5. To consider a resolution to remove the Leader and/or Deputy Leader and appoint a replacement Leader and/or Deputy Leader;
6. At the annual meeting to appoint the Chairman and Vice-Chairman of the Council;
7. To agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them;
8. To appoint representatives to outside bodies;
9. To adopt an allowances scheme under Part VI of the Constitution;
10. To determine any changes to the name of the district;
11. To confirm the appointment and the dismissal of the Head of the Paid Service;
12. To consider advice, views and recommendations from the Independent Panel (Section 27a of the Localism Act) and agree action to be taken in relation to chief officer/statutory officer disciplinary matters.

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<sup>1</sup> The budget includes the allocation of financial resources, including the setting of fees and charges, for different services and projects, proposed contingency funds, the council tax base, setting the Council Tax, controlling the Council's borrowing requirement and capital expenditure in line with CIPFA's "Prudential Code for Capital Finance in Local Authorities", and the setting of virement limits.

13. To designate the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Electoral Registration Officer / Returning Officer.
  14. To receive and consider reports from the Council's three statutory officers;
  15. To make, amend, revoke, re-enact or adopt bye laws and to promote or oppose the making of local legislation or personal bills;
  16. To consider those matters referred to it from time to time by the policy committees, the overview and scrutiny committee and by other council committees;
  17. To confer the title of Honorary Alderman and Freeman;
  18. To adopt the Council's Codes of Conduct.
  19. To exercise all local choice functions which the Council decides should be undertaken by itself rather than the policy committees;
  20. To consider and debate motions raised by Councillors;
  21. To debate issues that are the subject of petitions signed by a specified number of people (as set out in the Petitions Scheme in the appendix to the Constitution);
  22. To approve the appointment of external auditors for five financial years commencing 1 April 2018 and the approval of the Terms of Reference.
  23. To consider all other matters which, by law, must be reserved to Council.
  24. To adopt neighbourhood plans following a successful referendum.
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## Corporate Policy and Resources Committee

As the principal committee of the Council to be responsible for:

1. The formulation (but not the adoption or approval) of:
  - (a) the Policy Framework,
  - (b) the budget; and
  - (c) the Council's objectives and priorities.
2. The control and management of resources, including land, property, finance and staff to further the Council's objectives, including the delegation of specific budgets to the Prosperous Communities Committee for a specific purpose, for the services quoted in their Terms of Reference.
3. Ensuring compliance with the Council's budget including its revenue and capital budgets and the management of the Council's assets.
4. The performance framework of the council.
5. The approval of the Committee timetable for each municipal year.
6. The exercise of the Council's functions relating to:
  - Equality and Diversity
  - Health and Safety (as an employer)
  - Voluntary Sector
  - Climate change
  - Information Assurance
7. The adoption and approval of strategies and policies not forming part of the Policy Framework apart from those policies for which delegated power is given to the Head of Paid Service to approve under Part IV of this Constitution.
8. The exercise of any function, duty or power of the council which is not delegated to another Committee, Sub-Committee or an officer, or reserved for decision by full Council under this Constitution or by law.
9. To recommend fees and charges for service areas within its remit or following a recommendation from the Prosperous Communities Committee, to full Council.
10. In addition to recommending fees and charges to Council on an annual basis, CP&R has the delegation to change individual fees and

charges where the Authority needs to respond to market changes or changes to the cost base.

11. Approving the creation of any new legal entity and appointments of directors or other statutory officers onto the Board of the legal entity.
12. Approval of the business plans of any wholly owned, companies, joint ventures or other legal entity in which the Council has an interest.
13. To make appointments to be Member Champions deemed to be relevant to the remit of the Committee.

This Committee can meet concurrently with the Prosperous Communities Committee.

## Prosperous Communities Committee

To be responsible for the following areas:

1. The regeneration, housing and planning strategies which together form the council's approach to place shaping.
2. The Council's role in the community around health and crime and disorder including the wellbeing of the community and the development of partnerships.
3. The Council's approach to community interaction and engagement.
4. To manage any budget assigned to the Committee by the Corporate Policy and Resources in relation to the service areas listed under paragraph 5.
5. All services under these strategic areas :
  - a. Strategic Housing
  - b. Home Options
  - c. Private Sector Housing
  - d. Enabling Affordable Homes
  - e. Supporting People
  - f. Economic Development
  - g. Markets and Car Park Policy
  - h. Tourism
  - i. Countryside Management and Open Space
  - j. Support to Business
  - k. Growth
  - l. Litter, Recycling, Waste and Street Cleansing
  - m. Anti-Social Behaviour
  - n. Family Intervention
  - o. Public Protection and Environmental Issues
  - p. Public Health
  - q. Transport
  - r. Leisure and Culture
  - s. Planning and Development
  - t. Land Charges
  - u. Cemeteries and Bereavement services
6. The Prosperous Communities Committee is responsible for overseeing an effective partnership approach throughout the Council. The Prosperous Communities Committee is responsible for approving protocols, delegations, including frameworks to inform decisions around partnership engagement. The Prosperous Communities Committee is the focus for forming partnerships with other local public, private, voluntary and community sector organisations **to address local needs** (where there is a financial implication this will need to be considered by the Corporate Policy and Resources Committee).

7. Exercising the Council's statutory functions in these areas.
8. Authorising the institution, prosecution or defence of any legal proceedings in connection with the functions of the committee.
9. Adopting any relevant plans, strategies and policies other than those identified for adoption by the Council or the Corporate Policy and Resources Committee.
10. To recommend fees and charges for service areas within its remit to Corporate Policy and Resources / full Council.
11. To make appointments to be Member Champions deemed to be relevant to the remit of the Committee.

This Committee can meet concurrently with the Corporate Policy and Resources Committee.



## **Governance and Audit Committee**

To be responsible for:

### **(a) Corporate Governance**

1. Monitoring the operation of the Council's Constitution and keeping its terms under review, including all procedure rules.
2. Considering and making recommendations on any proposal to make changes to the constitution prior to its consideration by the Council.
3. To inform the work of the Remuneration Panel in advance of them making submissions to Council.
4. To keep under review the terms of reference of member level bodies and delegations of Council functions to committees and formally appointed bodies and officers.
5. Agreeing and updating regularly the Council's Local Code of Governance.
6. Monitoring its operation and compliance with it, and using it as a benchmark against performance for the Annual Governance Statement.
7. Following a decision of Council to undertake a community governance review to agree the terms of reference for and conduct such a review, making recommendations to Council who will determine the outcome of such reviews.
8. Exercising functions relating to elections and parishes set out in Part D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (or any replacement or amendment of it).
9. Reviewing the adequacy of the Council's corporate governance arrangements (including matters such as internal control and risk management) and approving the annual governance statement.
10. To approve the financial and contract procedure rules between Annual Councils.

### **(b) Accounts and Audit**

1. Considering the Council's arrangement relating to accounts including;
  - (i) the approval of the statement of accounts and any material amendments of the accounts recommended by the auditors;

- (ii) to keep under review the Council's financial and management accounts and financial information as it sees fit.
  - 2. Considering the Council's arrangements relating to the external audit requirements including the receipt of the external audit reports so as to;
    - (i) inform the operation of the Council's current or future audit arrangements;
    - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.
  - 3. Considering the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
  - 4. Considering the Council's arrangements relating to internal audit requirements including:
    - (i) considering the Annual Internal Audit report, reviewing and making recommendations on issues contained therein;
    - (ii) monitoring the management and performance of internal audit;
    - (iii) agreeing and reviewing the nature and scope of the Annual Audit Plan.
  - 5. Considering summaries of specific internal audit reports of significance or as requested.
  - 6. Considering reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
  - 7. Considering specific reports as agreed with the external auditor.
  - 8. Recommending to the Council the appointment of the Council's external auditor.
  - 9. Scrutinising the draft Treasury Management Strategy.
- (c) Regulatory Framework (Assurance Framework)**
- 1. Reviewing any issues referred to it by the Head of Paid Service, an Executive Director, the Chief Finance Officer or any Council body.
  - 2. Monitoring the effective development and operation of risk management and corporate governance in the Council.

3. Monitoring Council policies on confidential reporting code, anti-fraud and anti-corruption policy and Council's complaint process.
4. Approving payments or providing other benefits in cases of maladministration as required and making recommendations arising from any review of a report of the Local Government Ombudsman.

**(d) Ethics and standards**

1. Promote and maintain high standards of conduct by Councillors and co-opted members.

**Note:**

Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting, and in particular members must receive training prior to approval of the Annual Statement of Accounts.

Nominations be sought to form a pool of trained substitutes in order to ensure that decisions are made by fully trained members.

The Leader of the Council, other group leaders, the Chairman of the Challenge and Improvement Committee and the Chairman of the Standards Sub-Committee may be required to attend this committee but may not be appointed to it.

The committee will include at least one independent member and the normal term of office shall be four years.

## Licensing Committee

To be responsible for:

1. Exercising the Council's functions as licensing authority so far as required or permitted by the Licensing Act 2003, as amended, in accordance with sections 6, 7, 9 and 10 of that Act, associated regulations and the delegation set out in appendix 1 of the Statement of Licensing Policy.
2. Recommending the setting and adoption of the Statement of Licensing Policy to the Council.
3. Exercising the Council's functions as licensing authority under the relevant sections of the Gambling Act 2005, associated regulations and the delegations set out in appendix 1 of the Gambling Policy (Statement of Principles).
4. Recommending the setting and adoption of the Gambling Policy to the Council.
5. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Licensing Sub-Committee for matters relating to the Licensing Act 2003 or Gambling Act 2005.

**Note:** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## Regulatory Committee

To be responsible for:

1. Exercising the Council's full remit of licensing functions (with the exception of Licensing Act 2003 and Gambling Act 2005) under the relevant Acts and Regulations including the functions and responsibilities regulations.
2. Exercising the Council's full range of duties and responsibilities in respect of food premises and approving the Food Law Enforcement Plan.
3. Exercising the Council's full range of duties and responsibilities under the Environmental Protection Act and associated regulations.
4. Recommending the setting and adoption of policies relating to Taxi and Private Hire Licensing to the Prosperous Communities Committee.
5. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Regulatory Sub-Committee for matters relating to all other matters, not covered by the legislation applicable to the Licensing Committee
6. Discharging the Council's functions under Part I of the Health and Safety at Work etc. Act 1974 other than in its capacity as an employer.
7. Recommending the setting and adoption of other relevant policies to the Prosperous Communities Committee as necessary.
8. The granting of Public Space Protection Orders (PSPO)

**Note:** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## Planning Committee

1. To be responsible for the following areas:
  - To determine and advise upon planning applications and local authority development proposals
  - Street naming and numbering
  - Building Regulations
  - Public Path orders
  - Certificates of lawfulness
  - Agreements under section 106 of the Town and Country Planning Act 1990
  - Other agreements associated with specific applications
  - Advertisement consents
  - Conservation area consents
  - Revocation/modification orders
  - Enforcement proceedings
  - Tree Preservation orders
  - Consents to fell/lop trees
  - Listed Buildings consents
  - All other notices, demands, permissions and consents or otherwise referred to in Town and Country Planning legislation
2. To make or issue observations and representations on development proposals by the County Council and neighbouring authorities.
3. Conservation and heritage.
4. To administer the registration provisions contained in Town and Country Planning legislation.
5. To exercise the Council's statutory functions in accordance with building regulations and associated legislation.
6. To authorise the institution, prosecution or defence of any legal proceedings in connection with any functions of this committee.

**Note:** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## **Regulatory Sub-Committee** **(a sub-committee of the Regulatory Committee)**

To discharge, in accordance with statutory requirements and Council policy, the council's registration, licensing and enforcement responsibilities in respect of all licensing matters, including:

- (a) hackney carriage and private hire
- (b) street and house to house collections
- (c) street trading
- (d) pet shops
- (e) animal boarding and breeding
- (f) riding establishments
- (g) skin piercing (personal and premises licences)
- (h) caravan sites
- (i) scrap metal licences
- (j) dangerous and wild animals
- (k) zoos
- (l) sex shops and sexual entertainment venues
- (m) appeals against notices served by officers in relation to these functions
- (n) performing animals
- (o) hypnotism

### **Note:**

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

Any member of the Regulatory Committee may be called upon to sit on the Regulatory Sub-Committee to hear applications for review pertaining to the above matters (three Members plus one reserve).

The quorum shall be three Members.

Meetings of the Regulatory Sub-Committee be convened as and when necessary.

## **Licensing Sub-Committee (A sub-committee of the Licensing Act 2003 Committee)**

To discharge the responsibility for liquor licensing including -

- a) Application for Personal Licence – if Police Objection
- b) Application for Personal Licence – if unspent convictions
- c) Application for Premises Licence/Club Premises Certificate – if relevant representation is made and not withdrawn
- d) Application for Provisional Statement – if relevant representation is made.
- e) Application to vary Premises Licence/Club Premises Certificate – if relevant representation is made.
- f) Application to vary designated premises supervisor – if a Police objection
- g) Application for transfer of Premises Licence – if a Police objection
- h) Application for Interim Authority – if a Police objection
- i) Application to review Premises Licence/Club Premises Certificate
- j) Decision to object when local authority is a consultee and not the relevant authority considering the application.
- k) Determination of an objection to a Temporary Event Notice by the Police or Environmental Health Officer.
- l) Application for premises licences where representations have been received and not withdrawn.
- m) Application for a variation to a licence where representations have been received and not withdrawn
- n) Application for a provisional statement where representations have been received and not withdrawn
- o) Review of premises licence
- p) Application for club gaming/club machine permits where objections have been made and not withdrawn
- q) Cancellation of club gaming/club machine permits
- r) Decision to give a counter notice to a temporary use notice
- s) To make decisions relating to Personal Licences where the Authority becomes aware that a person has been convicted of a relevant or foreign offence, or been required to pay an immigration penalty after the licence was granted.



**Notes:**

Any member of the Licensing Committee may be called upon to sit on the Licensing Sub-Committee to deal with applications under the Licensing Act 2003 (three Members plus one reserve).

Meetings of the Licensing Sub-Committee be convened as and when necessary.

The provisions of the Local Government (Committees and Political Groups) Regulations 1990 do not apply.

The quorum shall be three Members.

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## **Challenge and Improvement Committee**

1. To exercise the Council's responsibilities for overview and scrutiny and agree each year an operating methodology;
2. To conduct reviews of policy, services or aspects of service that have either been referred by a policy committee or the council, relate to the Forward Plan or have been chosen by the committee according to the agreed criteria for selecting such reviews;
3. To approve and keep under review an annual overview and scrutiny work programme, including the work programme of any scrutiny panels established in accordance with the Challenge and Improvement Committee work programme;
4. To approve the scope, timetable and method for each review by a scrutiny panel to put in place and ensure that such reviews are monitored and managed efficiently and in accordance with the Overview and Scrutiny Procedure Rules;
5. To make reports and recommendations to the Council, a policy committee or any other Council committee arising from the exercise of these terms of reference;
6. To consider the Forward Plan and comment as appropriate to the relevant Committee on proposed decisions which relate to services within their remit (before they are taken by the appropriate policy committee);
7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
8. To comment on the proposed annual service and budget plans for all council services before final approval by the Corporate Policy and Resources Committee and Council;
9. To take an overview of the policies, forward plans and related authorities of all public bodies and agencies as they affect the council's area or its inhabitants;
10. To maintain under review the arrangements for the performance monitoring of Council services;

11. To discharge the statutory functions arising under section 19 of the Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the Committee to be appropriate.
12. This Committee has an operating methodology which is agreed annually at its first full meeting.

## **Standards Sub-Committee**

(a sub-committee of the Governance and Audit Committee)

1. To promote and maintain high standards of conduct by Councillors and co-opted members.
2. To assist Councillors and co-opted members to observe the Members' Code of Conduct.
3. To advise the Council on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.
6. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
7. To exercise such other functions as the Council considers appropriate.
8. To exercise of 1 to 7 above in relation to the town/parish councils and their members in the council's area.
9. To grant and supervise exemptions from political restriction of posts.

### **Notes:**

- The committee shall comprise six elected District Councillors and up to three non-voting parish representatives.
- The normal period of office of the parish members shall be four years and all such members shall retire along with elected Members
- Non continued compliance with the criteria for selection as an independent/parish member of the committee and the disqualifications for appointment as summarised in Sections 80 and 81 of the Local Government Act 1972 (with the exception of the requirement to attend meetings in a six month period) shall apply to the parish members.

- Quorum - A meeting of the Standards Sub-Committee shall not be quorate unless at least three elected Members (and one parish representative when the case in question concerns a Parish Councillor) of that Sub-Committee are present for its duration.
- This Sub-Committee, by formal resolution of full Council at its annual meeting, is not politically restricted.

**Note:**

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## Chief Officer Employment Committee

To be responsible for:

1. Considering all employment matters relating to the Council's Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial Officer) (apart from disciplinary and dismissal) in accordance with the Officer Employment Procedure Rules and statutory requirements and make recommendations to the full Council.
2. Determining all employment matters relating to Chief Officers who are not Statutory Officers in accordance with the Officer Employment Procedure Rules and statutory requirements.

## Independent Disciplinary Panel

1. The Independent Disciplinary Panel (IDP) is a group of independent persons appointed under Section 28/7 of the Localism Act 2011 to form an independent panel to discuss and consider disciplinary matters in relation to the Council's Statutory Officers:
  - Head of Paid Service
  - Monitoring Officer
  - Chief Financial Officer
2. The IDP shall comprise at least two independent persons appointed in accordance with the following priority order:
  - a) A person who has been appointed by the Council and who is a local government elector;
  - b) Any other relevant independent person who has been appointed by the Council;
  - c) A relevant independent person who has been appointed by another Authority or Authorities.
3. The role of the Panel is to:
  - a) Discuss and consider disciplinary matters in relation to the Council's Statutory Officers;
  - b) Meet at least 20 working days prior to a meeting of Council to which the matter is referred.
  - c) To commission an impartial individual with the right skills and expertise to carry out an investigation.
  - d) Make recommendations to Council on disciplinary action or dismissal against the Council's Statutory Officers;
  - e) Exercise these functions in accordance with the Local Authority (Standing orders) (England) Regulations 2001 (as amended).
4. Remuneration to the IDP will be in accordance with the Localism Act 2011.

## **Joint Staff Consultative Committee**

1. To establish regular methods of communication and negotiation between the Council and employees of the Council, in order to prevent differences and to adjust them should they arise, always provided that no question of individual discipline, promotion or efficiency shall be within the scope of the Committee.
2. To consider and advise on any relevant matter referred to it by any committee of the Council, or by any of the employee groups represented on the Consultative Committee.
3. To make recommendations to the Corporate Policy and Resources Committee as to the adoption of policies affecting employee interests (except those relating to the terms and conditions on which they are employed) or on any other matter referred to it.
4. The Consultative Committee may submit for consideration by, and the advice of, the appropriate national or provincial negotiating body established to deal with National Scheme of Conditions of Service affecting employees.

## Remuneration Panel

To develop, review and recommend to the Council a scheme for the payment of members' allowances.

### Notes:

- The Panel shall comprise five or six independent members.
- The period of office of the members of the Panel shall be four years.
- The Chairman shall be elected by the Panel annually.
- Non continued compliance with the criteria for selection as a member of the Panel and the disqualifications for appointment as summarised in Sections 80 and 81 of the Local Government Act 1972 (with the exception of the requirement to attend meetings in a six month period) shall apply to all members of the Panel.
- The Remuneration Panel will report in the first instance to the Governance and Audit Committee prior to referral to full Council.



## **Housing Appeals Board**

1. To hear appeals against decisions taken by the authority relating to homelessness cases.
2. To hear appeals against decisions taken by the authority relating to applications for housing.
3. To hear appeals against the initial decision made by the Revenues and Benefits Department on claims for discretionary housing payments.
4. To hear appeals against the decision made by the Executive Director of Resources on applications for national non-domestic rate discretionary relief.
5. To hear appeals against decisions not to award Section 13A Council Tax Discretionary Relief

## Officers

### Introduction

1. The following delegations to officers are made under Section 101 of the Local Government Act 1972 and all other powers enabling such delegations. The delegations are made with the intent that they shall lead to a streamlining and simplification of the processes of the Council and, accordingly, should be interpreted widely rather than narrowly.
2. The Executive Directors are authorised to discharge the powers and duties necessary to carry out the Council's functions within the broad functional description set out in the following sections, together with the specific delegations which are specified, and should be taken to include powers and duties within those descriptions within all present and future legislation, and all powers incidental to that legislation, including the application of the incidental powers and duties under Section 111 of the Local Government Act 1972.
3. The delegations shall operate in addition to any previous delegations. Any reference to a specific section or statute shall be deemed to incorporate reference to any enactment amending, re-enacting or replacing that statute.

### Overall Limitations

4. The following are not delegated to Officers:
    - (a) Any matter reserved by law to the Council, a committee or sub-committee.
    - (b) Any matter which is specifically excluded from delegation by resolution of the Council, a committee or sub-committee.
  5. Officers may only exercise delegated powers in accordance with -
    - (a) Plans, schemes or strategies approved by, or on behalf of, the Council.
    - (b) Procedure Rules of the Council.
    - (c) Any statutory restrictions, guidance or statutory code of practice.
    - (d) The revenue and capital funding for the relevant service as approved by the Council, subject to any variations which are permitted by virtue of the Council's Financial Procedure Rules and Contract Procedure Rules.
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- (e) The Council's Generic Equalities and other policies, procedures, standards and the Local and National Conditions of Service.
- 6. Where any matter contained within this Scheme of Delegation involves professional or technical considerations within the sphere of competence of another officer, the officer to whom authority has been delegated shall consult that officer before authorising action.
- 7. Where a delegated power is exercisable following consultation with the Chairman of a Committee, consultation shall take place with the Vice-Chairman in the absence of the Chairman.
- 8. Where an action is delegated to an officer via the Council, then such delegation shall be undertaken without undue delay.

### **Sub-Delegation**

- 9. Officers may further delegate any function which has been delegated to them to another officer or officers providing that there is no statutory restriction on doing so.
- 10. Every sub-delegation shall be in writing.
- 11. In exercising any delegated function, officers shall be responsible for undertaking any appropriate consultation with the Council's Head of Paid Service, Monitoring Officer and/or the Chief Finance Officer before taking any decision.
- 12. Instead of exercising his/her delegated power in any matter, an officer may refer the matter to the appropriate committee/sub-committee/board etc.
- 13. Any power delegated to an Executive Director may be exercised by the Head of Paid Service in their absence.
- 14. Where urgency dictates during periods of leave or sudden unexpected absence, delegations granted to the Executive Director of Operations or the Executive Director of Resources can be exercised by the other, except when the matter relates to a function which by law must be undertaken by either the Head of Paid Service or the s151 Officer.
- 15. Functions which by law must be undertaken by the Statutory Officers cannot be sub-delegated and are set out elsewhere in this document.

### **Politically Sensitive Issues**

- 16. Without derogating from the discharge of functions under these arrangements -

- (a) Maintain close liaison with the Committee Chairman in whose

scope the Executive Director's functions exist particularly in respect of controversial and sensitive issues.

- (b) Each Executive Director shall also maintain close liaison with members representing the political groups in relation to any matter which in the opinion of the Executive Director may be regarded as sensitive or contentious by any such group. The Executive Director shall also notify the Committee Chairman and/or Leader of such items and keep them informed of progress.
  - (c) Where a member has made known to a Executive Director his/her legitimate interest in a matter or where a matter relates to or affects the member's ward the Executive Director shall consult with that member and shall keep the member informed of significant developments relating to that matter and similarly brief the relevant committee chairman.
17. The existence of a delegation to an Executive Director shall not require that officer to take a decision on that issue. Executive Directors need to be aware of particularly controversial issues of concern to the Committees of the Council. In such circumstances he/she may refer the matter for guidance or decision by the Committee or the Council if he/she considers it is appropriate to do so at the earliest opportunity. In so doing the Executive Director shall advise the Members concerned of the extent of his/her delegated powers relating to the matter.

## Executive Directors

To manage the area for which he/she is responsible including:

1. the day to day administration of personnel matters in accordance with Council policy excluding decisions on discretionary pension issues;
2. the exercise of those powers specifically mentioned in the Local Conditions of Service;
3. the procurement or provision of services required to discharge the Council's functions within his/her area of responsibility;
4. the management, furnishing and equipping of premises for which he/she is responsible;
5. the incurring of any expenditure contained in approved estimates in his/her area of responsibility;
6. the taking of all decisions within the purview of his/her service; and
7. the taking of any action required to implement a decision of the Council or any of its Committees, Sub-Committees etc.
8. To arrange for the renewal, on appropriate terms, of leases and licences within the purview of their service.
9. 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 within the purview of their service.
10. 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 within the purview of their service.
11. To make minor house-keeping amendments to any such policy as agreed by the relevant Policy Committee on its adoption.
12. To ensure compliance with all adopted policies and procedures.

## Head of Paid Service

1. To exercise overall responsibility for corporate management and operational issues within existing budgets (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 Head of Paid Service 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 Head of Paid Service under this delegated power shall be reported to Members within five working days of the decision being taken.
5. To determine the closing time of Council offices and depots on the last working day before Christmas Day.  
**(Limits on delegations:** Following consultation with the Chairman of the Corporate 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:** Following 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:** Following consultation with the Chairman of the Prosperous Communities Committee).

9. 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. or, where business dictates that a meeting, not already set out in the timetable, be required to be held, that meeting be called, in consultation with the relevant Chairman.
10. To establish and maintain an accountability framework to implement devolved management arrangements.
11. To determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
12. 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.
13. In the absence of the Head of Paid Service the delegated powers in 1-12 above may be exercised by a designated deputy.
14. To call concurrent meetings of the policy committees when it is considered prudent and efficient to do so in accordance with the agreed protocol.

### **Executive Director of Resources (Chief Finance Officer)**

1. To exercise the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.
2. To report on apparent unlawful expenditure, unlawful action causing loss or deficiency, or unlawful items of account in accordance with section 114 of the Local Government Finance Act 1988.
3. To negotiate with the Council's external auditor on the level and type of audit resources required to carry out the statutory and management audit requirements of the Council.
4. To write off debt up to £2,500.
5. To operate the Council's bank accounts including confirmation of alterations to authorised signatory lists of agents.
6. To sign all necessary claim forms and certificates in respect of any grants or other funds payable to the Council under any statutory or other powers.
7. To maintain adequate insurance cover on behalf of the Council and to negotiate the settlement of any claims arising either with the Council's insurers or their appointed agents. /
8. To approve claims on the Council's internal insurance fund.
9. To exercise the Council's statutory borrowing powers to finance capital and revenue expenditure pending the receipt of income and the lawful investment of surplus cash and external funds
10. To make and account for appropriate deductions from pay and to make appropriate employer contributions in respect of income tax, national insurance and the superannuation fund.
11. To increase long service awards, retirement gifts and death in service awards in line with the current retail price index from 1 April each year.
12. To approve new street names and numbering in respect of new development submitted by:
  - Parish Councils
  - Private developers, following approval by the local parish council concerned and Ward Councillors.
13. To write down sundry debts for cases subject to bankruptcy, liquidation or administration order proceedings
14. To administer all matters relating to Council Tax and Benefits.



15. To act on behalf of the Council on matters relating to -
  - (a) making proposals for alterations to the Valuation List.
  - (b) objections to proposals in rateable value/banding.
  - (c) agreement to alterations to proposals in rateable value/banding.
  - (d) appeals to local Valuation Tribunals.
  
16. To agree apportionment of rateable values in accordance with section 44a of the Local Government Finance Act 1988.
  
17. To write down Non-Domestic Rate and Council Tax outstanding in respect of each arrears case which is subject to formal bankruptcy or liquidation claims.
  
18. To authorise applications for national non-domestic rate relief up to £5,000 on hardship grounds in accordance with Section 49 of the LGFA 1988 and the Council's approved criteria.
  
19. To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the LGFA 1988 and where the application accords with the Council's approved policy framework.
  
20. To determine applications, in accordance with the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2003 Section 76, for Council Tax Section 13A Discretionary Relief.
  
21. To appear on behalf of the Council at a Valuation Tribunal or Benefits Appeal Tribunal.
  
22. To determine applications for mandatory rate relief in accordance with Section 43 and Section 45 of the Local Government Finance Act 1988 (including the additional granting of 20% discretionary relief) Responsibility for Functions
  
23. To deal with renewals of applications under 19 and 22 above unless there is a change of circumstances.
  
24. To impose penalties in accordance with section 14(2) of the Local Government Finance Act 1992 on persons failing to supply information to or notify the billing authority regarding Council Tax liability.
  
25. To make the assessment and decision on claims for discretionary housing payments.
  
26. In accordance with the provisions of sections 101 and 223 of the Local Government Finance Act 1972, to prosecute and defend on behalf of the Council, or to appear on the Council's behalf in proceedings before a Magistrates Court relating to all and/or any of the matters referred to in the sub-paragraphs below -
  - (e) proceedings relating to the obtaining of Liability Orders in respect of unpaid Council Taxes and National Non-Domestic rates;

- (f) proceedings relating to the collection and recovery of penalties;
  - (g) committal proceeding relating to unpaid Council Taxes and National Non Domestic rates;
  - (h) proceedings relating to the recovery of monies due to the Council either directly or under agency arrangements.
27. To determine applications for national non-domestic rate relief on hardship grounds or in accordance with Section 49 of the Local Government Finance Act 1988 and the Council's approved criteria.
28. To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the Local Government Finance Act 1988 and where the application accords with the Council's approved policy framework.
29. To nominate the Council's Data Protection Officer.
30. To postpone the discount charge for all organisations specified by Section 156 of the Housing Act 1985  
**(Limits on delegation:** Following consultation with the Chairman or Vice-Chairman of the Prosperous Communities Committee).
31. To be the Council's Shareholder representative for the Group Holding Company and its individual subsidiaries.
32. To authorize short term cashflow loans to subsidiary companies to a maximum of £25k per subsidiary company.
33. To authorise the forming of a partnership arrangement where the value of works/services is no more than £25k.
34. With the Director of SureStaff, to agree the format and content of a Resourcing Agreement for the supply of services by the Council.
35. To approve amendments to the Capital Programme up to £25k.
36. To authorise grants up to £50k.
37. To authorise spend of up to £50k from Earmarked Reserves.
38. To carry out the role of the Senior Information Risk Owner (SIRO) in accordance with Local Public Services Data Handling Guidelines (Fourth Edition (Revised)), sign Information Sharing Agreements, and determine and respond to requests under the Data protection Act 1998.

## **Monitoring Officer**

1. To take all such actions and decisions in the proceedings of the Lincolnshire Shared Legal Services Partnership.
2. To be the Electoral Registration Officer.
3. To be the Returning Officer for local Government elections.
4. To make, under Section 91 of the Local Government Act 1972, temporary appointments of members to town and parish councils following consultation with the Chairman of the Governance and Audit Committee.

Furthermore, use of this delegation will be reported to the Governance and Audit Committee for information.

## Executive Director of Operations

1. To be the authorising officer for surveillance under the Regulation of Investigatory Powers Act 2000 and as such can make requests for the Magistrates' Court to consider applications made under RIPA.

### Public Protection

1. To decide, approve, determine, consider representations and applications, grant, vary, issue, relax, refuse, revoke, suspend, withdraw licences, make and amend licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 3.
2. To be the Company Director of WLDC Trading Ltd and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd)
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:

Town Police Clauses Act 1847 & 1889 incorporated by the Public Health Act 1875.

Local Government Act 1972 s101 Lotteries,

Police, Factories, etc (Miscellaneous Provisions) Act 1916

Performing Animals Act 1925

Public Health Act 1936

House to House Collections Act 1939

National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951.

Prevention of Damage by Pests Act 1949

Pet Animals Act 1951  
Hypnotism Act 1952  
Caravan Sites and Control of Development Act 1960 (As amended by the Mobile Homes Act 2013)  
Public Health Act 1961  
Animal Boarding Establishments Act 1963  
Scrap Metal Dealers Act 2013  
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  
Local Land Charges Act 1975  
Dangerous Wild Animals Act 1976  
Land Drainage Act 1976  
Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847  
Land Charges Rules 1977  
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 Environment 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  
Food Safety Act 1990  
Environmental Protection Act 1990.  
Breeding of Dogs Act 1991  
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

Noise Act 1996  
Crime and Disorder Act 1998  
Breeding and Sale of Dogs (Welfare Act) 1999  
Vehicle (Crime) Act 2001  
Police Reform Act 2002  
Licensing Act 2003  
Anti-social Behaviour Act 2003  
Food Safety Act 1990 (Amendment) Regulations 2004  
General Food Regulations 2004  
Christmas Day (Trading) Act 2004  
Official Feed and Food Controls (England) (Regulations 2005)  
Clean Neighbourhoods and Environment Act  
2005  
Animal Welfare Act 2006  
Health Act 2006  
Gambling Act 2005  
Sunbeds (Regulation) Act 2010  
Food Hygiene (England) Regulations 2013  
Food Information Regulations 2014  
Anti-Social Behaviour, Crime and Policing Act 2014  
The Microchipping of Dogs (England) Regulations 2015

5. To enter into Agreements relating to the adoption of sewers.
6. To deal with and adjudicate on complaints about high hedges under the Anti-Social Behaviour Act 2003.
7. In relation to hackney carriage and private hire vehicles – to determine applications for a short term exemption (3 months) on medical grounds for drivers who cannot fulfil duties under the Equality Act (**note** - longer terms exemptions will need to be considered by the Regulatory Sub-Committee).
8. Licensing Act 2003 – Delegated Authority be granted to Head of Paid Service to dispense with the need for a hearing when relevant representations are made in relation to the determination of a premises licence 18(3), variation of a premises licence 35(3), determination of a club premises certificate 85(3) and prior to the hearing the relevant representation(s) are subsequently withdrawn, and the authority, the applicant, and each person who has made such representation(s) agree that the hearing is unnecessary.

Sections 18(4)(a), 18(4)(b), 35(4)(a), 72(4)(a)(b) and 85(4)(a) apply as the necessary steps to deal with the application; to promote the licensing objectives and add/modify conditions.

## **Operational Services**

1. 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)
2. 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 Corporate Policy and Resources Committee.
3. To amend the Code of Practice for Traders, should the need arise, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.
4. To approve the cancellation of markets in exceptional circumstances in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.
5. To approve the dates of any extra markets in Gainsborough Market Place / Silver Street at any time of the year, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.
6. To set charges for the collection and disposal of commercial waste

## **Development Management**

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 Planning

Committee for determination where, in the professional opinion of the Strategic Lead, appropriate Team Manager or senior officer within Development and Neighbourhoods or Strategic Growth:

- (i) The representation relates to a “planning matter”; and
  - (ii) The representation and the planning matters raised are directly 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 during the formal 28 day consultation period and is supported by relevant planning policies and other material planning considerations that are directly relevant to the application being considered, to have it determined by the Planning 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 relevant planning policy.

It will be for the Executive Director of Operations or senior officer to decide in consultation with the Chairman of the Planning Committee, on the basis of the planning reasons given by the Councillor or planning policies referred to, whether the application should be referred to the Planning 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 Executive Director of Operations or senior officer within considers it appropriate that the application is determined by the Planning Committee.
- (i) Any application where the recommendation is for approval which is in conflict with a policy of the Central Lincolnshire Local Plan or any Neighbourhood Plan that has passed Regulation 14 stage, being those



plans at either an official draft stage or 'made' (adopted) Neighbourhood Plan.

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 make Tree Preservation Orders and to confirm orders where no objection – relevant under current legislation – has been made.
4. To determine all applications to lop, top or fell protected trees.
5. To determine notices to make safe dangerous trees in private ownership and to take action to make the tree/s safe.
6. To determine all applications for the removal of hedgerows in accordance with the Hedgerow Regulations 1997.
7. To confirm any unopposed footpath orders following the expiration of the statutory consultation period.
8. 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].
9. 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.

10. To respond to consultations from neighbouring Councils on planning applications which might have an impact on the District, unless in the opinion of the Executive Director of Operations or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
11. To respond to consultations on proposals for major infrastructure developments within or having an impact upon the District, unless in the opinion of the Executive Director of Operations or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
12. To respond to consultations on pipeline consents within the District, unless in the opinion of the Executive Director of Operations or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
13. To respond to consultations on county matters or county developments, unless in the opinion of the Executive Director of Operations or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
14. 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.
15. 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.
16. 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.

17. To determine it is not expedient to take enforcement action in accordance with the Council's enforcement policy unless the Planning Committee has authorised the enforcement action.
18. To arrange for the renewal, on appropriate terms, of leases and licences.

19. 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.
20. 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.
21. To accept the Examiner's report and approve that a neighbourhood plan may advance to Public Referendum following a successful independent examination in accordance with the Localism Act 2011 and the Neighbourhood Plan Regulations 2012.

### **Community Projects**

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

### **Planning and Housing Enforcement**

1. To determine housing applications within the term of the current homelessness legislation.
2. To approve applications to be placed on the Council's Housing Register which fall within the criteria for acceptance.
3. To make nominations to Registered Social Landlords (RSLs) and other agencies in accordance with the Council's approved housing allocation policies.
4. To decide, approve, determine, consider representations and applications, vary, issue, relax, refuse, revoke, suspend, withdraw licences, licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 5 below.
5. 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  
Anti-Social Behaviour, Crime and Policing Act 2014  
Landlord and Tenant Act 1985  
Public Health Act 1936  
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015  
Redress Schemes for Lettings Agency Work and Property Management Work  
(Requirement to Belong to a Scheme etc.) (England) Order 2014  
Housing Act 1985  
Housing Act 2004  
Environmental Protection Act 1990  
Landlord and Tenant Act 1972  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Housing Act 1996  
Housing Grants, Construction and Regeneration Act 1996  
Local Government and Housing Act 1989  
Building Act 1984  
Defective Premises Act 1976  
Public Health Act 1936  
Public Health Act 1961  
Protection from Eviction Act 1977  
Prevention of Damage by Pests Act 1949  
Law of Property Act 1925  
Town and Country Planning Act 1990  
Acquisition of Land Act 1981  
The Caravan Sites and Control of Development Act 1960  
Mobile Homes Act 2013  
The Energy Act 2013  
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations  
2015  
Protection from Eviction Act 1977  
The Housing and Planning Act 2016  
Local Government and Housing Act 1989  
Housing, Grants, Construction and Regeneration Act 1996  
The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002  
Criminal Justice and Public Order Act 1994  
Refuse Disposal (Amenity) Act 1978

### **Building Control:**

1. To carry out all the Council's functions in respect of the necessary statutory provisions related to applications for, and enforcement action under the building regulations and issues relating to the building acts and any other associated legislation, regulations and provisions, including provisions on dangerous buildings, structures and means of escape in case of fire, including power to:
  - a. Inclusively, but not exclusively determine plans, issue completion certificates under the Building Regulations and applications for the relaxation of the Building Regulation requirement concerning means of escape and request for dispensations;
  - b. Serve notices in relation to ruinous and dilapidated property and the proposed demolition of buildings;
  - c. Carry out functions of the Council in relation to dangerous structures and buildings;
  - d. Exercise powers of the Council in relation to accesses and egresses to public and other buildings, and means of escape in case of fire;
  - e. Control the use of private approved inspectors and approved bodies in relation to building regulation matters;
  - f. Discharge the functions of the Council in relation to safety certificates for sports grounds;
  - g. Serve Notices relating to lapse in time for the deposit of plans, requirements for works to be carried out in accordance with approved plans, chimneys, dangerous structures and dilapidated buildings;
  - h. Serve Notices to open up works;
  - i. Authorise action to deal with dangerous excavations; and
  - j. Appointment of Authorised Officers to exercise the powers of entry for the purposes of the Building Acts;
  - k. Exercise powers of the council in respect of Material Sampling and Testing for Conformity in pursuance of Building Regulations Compliance;
  - l. To maintain the record of Building Regulations compliance certificate issued by third parties, approved to do so, by the Secretary of State.

### **Enterprising Communities**

1. To determine parish lighting reviews and new requests for parish lighting in accordance with the approved policy.

## **Executive Director of Economic and Commercial Growth**

1. Where appropriate, to appoint a competent person to be the CDM Coordinator under the Construction (Design and Management) Regulations 2007.
2. To assign leases.
3. To agree and sign Licences and Wayleaves affecting Council land.
4. 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.
5. 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.
6. 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
  - (b) and, for sales, can be disposed of in one transaction or one series of transactions;
  - (c) 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
  - (d) there are no potential long-term management problems or legal encumbrance associated with the sale or grant which would negate the value of (b).
7. To approve miscellaneous short-term lettings.
8. 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.
9. Making funding bids to various public sector bodies.
10. Developing funding strategies for strategic growth projects utilising council funding and assets.
11. Working up commercial relationships with the private sector to deliver social and economic return.

12. Seeking appropriate levels of commercial return to the council from the above.
13. Implementing WLDC capital programmes and delivering projects and programmes with grant funds.
14. Acting as accountable body for the above.

## SCHEME OF MANAGEMENT: CORPORATE DELEGATIONS

**Note: delegations can only be exercised within the relevant officer's area of responsibility**

Decision	Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>1. Establishment</b> (Changes must be funded from within the Strategic Lead's approved employee budget and not commit to additional expenditure in future years. Managers to involve HR & Finance when exercising delegation)					
1.1	Making changes to the establishment. Creating and deleting posts	✓	✓		
1.2	Making changes to job documentation (JDs and person specifications)	✓	✓	✓	
1.3	Making changes to the structure and reporting lines	✓			
1.4	Implement conditions of service as provided for in the national or local conditions of service	✓			
1.5	Carry out appropriate consultation with the workforce and trade union representatives about changes in work practices, payment schemes and operational matters	✓	✓		
1.6	Deal with personal grading protection in cases of redeployment or changed circumstances	✓	✓		
<b>2. Appointments</b>					
2.1	Deciding to fill vacant posts	✓	✓	✓	Recruitment Procedure
2.2	Taking decisions on the recruitment process for individual posts	✓	✓	✓	



Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
2.3	Chairing appointments panels and making appointments	✓	✓	✓	✓	Posts at chief officer level, statutory officers and above are member appointments. Panels for service manager appointments must be chaired by Exec directors
2.4	Deciding whether to proceed with appointments in the light of references, medicals and criminal record checks	✓	✓	✓	✓	
2.5	Determining whether the probation period for a new recruit has been successfully completed	✓	✓	✓	✓	
2.6	Approving acting up and cover arrangements	✓	✓	✓	✓	
2.7	Authorising transfers and secondments	✓	✓	✓	✓	
2.8	Procuring/engaging agency and temporary staff	✓	✓	✓	✓	Within area of responsibility and budgetary limits.
<b>3. Remuneration (Managers to involve HR and Finance when exercising delegation)</b>						
3.1	Authorising a request for a post to be graded or	✓	✓	✓	✓	
3.2	Authorising essential car user status	✓	✓	✓	✓	
3.3	Approving annual increments	✓	✓	✓	✓	
3.4	Awarding honoraria and ex-gratia payments	✓	✓	✓	✓	

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
3.5	Approving acting up allowances	✓	✓	✓	✓	
3.6	Approving or authorising pay supplements that form part of a member of staff's terms of employment e.g. overtime, bonus etc.	✓	✓	✓	✓	
3.7	Authorising expenses and allowances	✓	✓	✓	✓	
<b>4. Disciplinary, capability, sickness management and grievances</b>						
4.1	Suspending a member of staff	✓	✓	✓	✓	
4.2	Instructing a member of staff to leave the premises	✓	✓	✓	✓	
4.3	Initiating disciplinary, performance, capability and managing attendance proceedings/confirming charges and taking action that may lead to warnings or dismissal	✓	✓	✓	✓	
4.4	Chairing a panel or a review meeting that may deal with any issues relating to disciplinary/capability/performance/managing attendance procedures	✓	✓	✓	✓	
4.5	Determining complaints under the Grievance Procedure	✓	✓	✓	✓	
4.6	Determining appeals under the grievance, disciplinary, capability, performance management and managing attendance	✓	✓	✓	✓	

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>5. Attendance</b> (Managers to involve HR and Finance when exercising delegation)						
5.1	Agreeing changes to an individual's contractual hours	✓	✓	✓	✓	
5.2	Agreeing hours of attendance	✓	✓	✓	✓	
5.3	Agreeing the application of any flexible or shift working arrangements	✓	✓	✓	✓	
5.4	Agreeing home working arrangements	✓	✓	✓	✓	
5.5	Approving annual leave and flexi leave	✓	✓	✓	✓	
5.6	Approving carry over leave	✓	✓	✓	✓	
5.7	Approving special leave	✓	✓	✓	✓	
5.8	Approving training (time off and costs)	✓	✓	✓	✓	In line with budget resource
5.9	Approving time off with pay	✓	✓	✓	✓	
5.10	Approving leave without pay	✓	✓	✓	✓	
<b>6. Leavers</b>						
6.1	Confirming resignations	✓	✓	✓	✓	
6.2	Providing references	✓	✓	✓	✓	
6.3	Agreeing terms on which staff leave the Council e.g. compromise agreement, outstanding leave, notice to be worked etc.	✓	✓	✓	✓	Legal Services Manager to agree the terms of any compromise agreement

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
6.4	Designating a member of staff as a redeployee	✓	✓	✓	✓	
6.5	Agreeing redundancy/early retirement	✓				
<b>7. Budgets and expenditure</b> (any decision taken must be consistent with the Financial Procedure Rules and Contract Procedure Rules)						
7.1	Incurring expenditure within approved budget limits	✓	✓	✓	✓	
7.2	Authorising virements within approved service budget	✓	✓	✓	✓	
7.3	Authorising virements between approved service budgets	✓	✓			
7.4	Incurring expenditure in a 'state of emergency' or in order to ensure business continuity	✓	✓			Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee.
7.5	Incurring expenditure in taking immediate urgent action in responding to civil emergency and severe weather	✓	✓			Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee.
7.6	Authorising compensation	✓	✓			Subject to financial limits – up to £25,000; Exec Director and CFO Over £25,000 to £100,000; CMT and CFO and consultation with Chairman of Corporate Policy and Resources Committee. Over £100,000; Corporate Policy and Resources Committee.

Decision		Executive D	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>8. Payroll</b>						
8.1	Authorising payroll submissions	✓	✓	✓	✓	Includes authority to include a new employee on the payroll
8.2	Authorising payroll corrections	✓	✓	✓	✓	
<b>9. Income</b>						
9.1	Determining whether income is due	✓	✓	✓	✓	
9.2	Agree changes to locally determined fees and charges in exceptional circumstances	✓				Action taken to be reported to Corporate Policy and Resources Committee
9.3	Initiating debt recovery action	✓	✓	✓		No decision required- administrative task. Decision not to pursue a debt needs to be a delegated decision- see below (writing off debts)
9.4	Cancelling and reversal of debts	✓	✓	✓		Cancellation of debt raised in error; administrative task providing there is documented

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
9.5	Writing off debts		✓			Up to £1,500; CFO Over £1,500; Corporate Policy and Resources Committee decision
<b>10.</b>	<b>Purchasing and Procurement</b> (any decision taken must be consistent with the Financial Procedure Rules and Contract Procedure Rules)					
10.1	Seeking tenders and quotations within approved limits	✓	✓	✓	✓	
10.2	Accept the most favourable tender/quotation in terms of quality, timeliness and cost providing it is within the approved budget	✓ (a)	✓ (a)	✓ (b)		(a) above whole life contract value of £75,000 (b) up to whole life contract value of £75,000
10.3	Allowing exemptions to the Contract Procedure Rules	✓				In specific circumstances as detailed in the Contract Procedure Rules
10.4	Placing and authorising orders	✓	✓	✓	✓	In accordance with authorised purchasing limits
10.5	Determining purchasing limits for officers	✓	✓	✓		
10.6	Authorising variations to contracts within approved limits	✓	✓	✓		Per authorised limits
10.7	Terminating contracts	✓	✓	✓		Subject to legal advice
10.8	Maintaining an inventory of assets	✓	✓	✓	✓	
10.9	Disposal of Assets	✓	✓	✓		Subject to guidance in Financial Procedure Rules

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
10.10	Authorising invoices	✓	✓	✓	✓	May be delegated further within service areas to designated budget managers.
10.11	Appointing consultants	✓	✓	✓	✓	
<b>11. Authorisations</b>						
11.1	Signing off reports to committee	✓	✓			In compliance with committee report sign off procedures
11.2	Signing off Government and other returns	✓	✓	✓	✓	
11.3	Signing off bids and applications for funding	✓	✓	✓		In Compliance with Financial Procedure Rules after consulting CFO
11.4	Approving service and business plans	✓				
11.5	Approve response to consultative documents	✓	✓	✓	✓	Within area of responsibility after consultation with appropriate chairman; if politically contentious will be report to Committee

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
11.6	Certified compliance 8. PCI-DSS 9. PSN 10. Plus any other other information governance standards as may be announced in due course	✓	✓			
<b>12. Complaints</b>						
12.1	Determining complaints	✓	✓	✓	✓	
<b>13. Engaging Specialists</b>						
13.1	Engaging legal advice	✓	✓	✓	✓	Subject to consultation with Legal Services Manager
13.2	Engaging consultants where necessary to provide technical advice or work of a specialist	✓	✓	✓		Within budget provision and compliance with Contract Procedure Rules



Decision	Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>14. Land Transactions</b>					
14.1	<p>Acquisitions and disposals of an item contained in the Approved Capital Programme. The purchase or sale of land up to £75,000 in value (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) and between £75,001 and £250,000 only to be undertaken following consultation with the Leader of the Council or the Deputy Leader when the Leader is unavailable.</p> <p>In all cases of acquisition and disposals, the use of the delegated power is subject to:</p> <p>In the case of acquisitions, the capital funds to be used form an agreed allocation in the current Capital Programme adopted by Council;</p> <p>Any proposed acquisition or disposal has been subject to an independent valuation, preferably by the District Valuer or some other Royal Institute of Chartered Surveyors independent Valuer;</p> <p>Reporting the completed acquisition, lease, or disposal to the next available Corporate Policy &amp; Resources Committee.</p> <p>Where a sale is pursuant to Section 123 of the Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 of the Local Government Act 1988, consent to the Secretary of State may be sought as necessary."</p>	Subject to approval of the Chief Finance officer		Resources Directorate Only	Subject to reference to Corporate Policy and Resources Committee by the appropriate Exec Director re areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
14.2	Compulsory Disposals. Any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the Leasehold Reform Act 1967 or The Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the statutory procedures.	✓	✓	Resources Directorate only		
<b>15. Regulation of Investigatory Powers Act 2000</b>						
15.1	Authorise persons to conduct surveillance in accordance with covert surveillance policy	✓				
<b>16. Constitutional &amp; Legal</b>						
16.1	Affix the Common Seal of the Council to documents	✓				Following consultation with the Section 151 and Monitoring Officer
16.2	Certify that a photocopy of a document, order, report or minutes is a true copy	✓	✓	✓		
16.3	Institute, conduct and/or settle legal proceedings	✓	✓	✓		Within area of responsibility after consultation with Legal Services Manager
16.4	Determine and respond to requests under the Data Protection Act 1998					

Decision		Exec Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
16.4	Issue, serve, receive and act upon notices and to impose requirements under any legislation enforced by the Council inc s16 of the Local Government (Miscellaneous Provisions) Act 1976, s19 of the Environmental Protections Act 1990 & s24 of the Town & Country Planning Act 1990	✓	✓	✓		
16.5	Obtain particulars of persons interested in land under s16 of the Local Government (Miscellaneous Provisions) Act 1976	✓	✓	✓		
16.6	Determine and respond to requests under the Freedom of Information Act 200 and the Environmental Information Regulations 2004	✓	✓	✓	✓	Corporate centre must be consulted before applying an exemption. Where s36 is engaged Monitoring Officer must make decision.
16.7	Publish statutory advertisements and notices	✓	✓	✓	✓	

## Proper Officers

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

<b>Statute</b>	<b>Function</b>	<b>Proper Officer</b>
Sections 84 and 85 Public Health Act 1936	Cleansing of filthy or verminous articles, persons or clothing	Executive Director of Operations
Section 47 National Assistance Act 1948 as amended by the National Assistance Act 1951	Removal of persons to suitable accommodation in specified circumstances	Executive Director of Operations
Section 37 Public Health Act 1961	Disinfestation of verminous articles offered for sale	Executive Director of Operations
Section 83 Local Government Act 1972 (LGA 1972 )	Witness and receipt of declarations of acceptance of office of Chairman, Vice-Chairman and Councillors	Head of Paid Service
Section 84 LGA 1972	Receipt of written notice of resignation of office of Chairman, Vice-Chairman and Councillors	Head of Paid Service
Section 88 LGA 1972	Convene a Council meeting for the election to the vacant office of Chairman of the Council.	Head of Paid Service
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.	Head of Paid Service
Section 100f (2) LGA 1972	Relates to the exclusion from Council agendas any information which is likely to be dealt with in the absence of the press and public	Executive Directors
Section 100b(2) LGA 1972	Relates to the circulation of Committee Reports and Agendas	Executive Directors

<b>Statute</b>	<b>Function</b>	<b>Proper Officer</b>
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.	Executive Directors
Section 100C (2) LGA 1972	Preparation of a written summary of proceedings of committees and sub-committees of the Council.	Head of Paid Service
Section 100D(1)a LGA 1972	Preparation of a list of background documents for reports considered by committees and sub-committees of the Council	Head of Paid Service
Section 115 LGA 1972	Receipt of monies from accountable officers	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration of local authority area or name	Head of Paid Service Chief Finance Officer
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	Executive 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	Head of Paid Service

<b>Statute</b>	<b>Function</b>	<b>Proper Officer</b>
Section 231 LGA 1972	Receive documents required to be served on the council	Head of Paid Service
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	Executive Directors
Section 238 LGA 1972	Certification of printed copies of by-laws	Head of Paid Service
Schedule 12 (para. 4(2)(b)) LGA 1972	Signature of summons to attend council meetings and receipt of notices regarding the address to which a summons to a meeting is to be sent.	Head of Paid Service
Schedule 14 (para. 25(7)) LGA 1972	Responsibility for true copies of resolutions.	Head of Paid Service
Sections 3 and 19 Land Charges Act 1975	Act as the Local Registrar.	Executive Director of Operations
Section 41 Local Government (Miscellaneous Provisions) Act 1976.	Certification of minutes, resolution, orders & reports as evidence of resolutions of proceedings	Head of Paid Service
Section 28 Representation of the People Act 1983 (RPA 1983)	Acting Returning Officer for a parliamentary election.	Head of Paid Service
Section 35 RPA 1983	Returning Officer for local government elections.	Head of Paid Service
Section 8 RPA 1983	Electoral Registration Officer.	Head of Paid Service

<b>Statute</b>	<b>Function</b>	<b>Proper Officer</b>
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	Executive Director of Operations
S.2 Local Government and Housing Act 1989 (LG&HA 1989 )	Hold on deposit the list of politically restricted posts.	Head of Paid Service
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.	Head of Paid Service
Section 4 LG&HA 1989	Head of the Paid Service.	Head of Paid Service
Section 5 LG&HA 1989	Monitoring Officer.	As designated
Section 15 LG&HA 1989 & Local Government (Committees & Political Groups) Regulations 1990	Receipt of notices relating to the membership of political groups.	Head of Paid Service
Regulation 23 Non-Domestic (Collection & Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List	Chief Finance 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	Head of Paid Service

<b>Statute</b>	<b>Function</b>	<b>Proper Officer</b>
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer	Electoral Registration Officer
Section 100 (f) (2) of the Local Government Act 1972	Relates to the exclusion from council agendas any information which is likely to be dealt with in the	Executive Directors
Section 100 (b) (2) of the Local Government Act 1972	Relates to the circulation of committee reports and agendas	Head of Paid Service
Section 13 (3) of Part III of Schedule 12 of the Local Government Act 1972	Relates to holding the Office of Parish Trustee where there is a parish meeting with no separate	Monitoring Officer