
Proper Officer Provisions and Scheme of Delegation to Chief Officers etc (Constitution 4.2 to 4.2C)

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	(A) Head of Legal & Democratic Services (Monitoring Officer & Senior Legal officer)	
	(B) Head of Finance, Procurement & Commercial Services (Section 151 Officer)	

Insofar as the functions contained in this Scheme of Delegation are Council Functions they are delegated by the Council.

Insofar as the functions contained in this Scheme of Delegation are Executive Functions they are delegated by the Leader.

Signed

Leader

1 April 2022

1.0 INTRODUCTION

- 1.1 This Document firstly sets out “Proper Officer” provisions and officer designations and secondly sets out a Scheme of Delegation which delegates powers and duties to officers under Section 101 of the Local Government Act 1972 and all other powers including the Local Government Act 2000 enabling such delegation. It is adopted with the intent that it continues the streamlining of the Council’s decision making processes and accordingly should be interpreted widely rather than restrictively.
- 1.2 Where legislation is referred to it shall be taken to include any Act or Acts extending or amending the same or incorporated therein.
- 1.3 For the purposes of the Scheme of Delegation:
- (a) “Portfolio Holder” shall be taken to mean the councillor appointed by the Leader as holding responsibility for a particular area of Council activity. In the absence of the Portfolio Holder, the Leader, or if he/she is absent or unable to act, or if the post of Leader is vacant the Deputy Leader in the first instance or another Portfolio Holder, shall act in his/her stead.
 - (b) Reference to the Cabinet shall be taken to mean reference to the Leader and Cabinet.
 - (c) Officers may only exercise delegated powers in accordance with
 - (i) policies, plans and programmes approved by or on behalf of the Cabinet or the Council
 - (ii) Contracts Procedure Rules and Financial Regulations unless specifically referred to
 - (iii) any statutory restrictions, Statutory Guidance or Codes of Practice

2.0 “PROPER OFFICER” PROVISIONS AND DESIGNATIONS

2.1 The Council has:

- (a) designated officers to carry out particular functions which are, by statute, to be exercised by a particular officer and
- (b) designated officers to be the “Proper Officer” for the purposes of the references in various enactments where reference is made to the “Proper Officer” as follows:

LOCAL GOVERNMENT ACT, 1972

Section	Description of Function	Proper or designated Officer
13(3)	Parish Trustee of Body Corporate of Parish not having separate Parish Council.	Chief Operating Officer
83(1)-(4)	Officer to whom persons elected to any of the following offices of the Borough Council shall make declaration of acceptance of office: Chairman (Mayor), Vice-Chairman (Deputy Mayor) Councillor,.	Chief Operating Officer
84	The officer to whom a person elected to any office under the Borough Council may give written notice of resignation.	Chief Operating Officer
88(2)	The officer who may convene a meeting for the election of the Chairman (Mayor) following a casual vacancy in that office.	Chief Operating Officer
89(1)(b)	The officer who may receive notice of a casual vacancy in the office of Councillor from two local government electors.	Chief Operating Officer
96(1)	Receipt of general notices of pecuniary interest.	Head of Legal & Democratic Services
96(2)	The officer who shall keep the record of disclosures of pecuniary interest under Section 94 and of notices under Section 96(1).	Head of Legal & Democratic Services
100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public.	Head of Legal & Democratic Services

Section	Description of Function	Proper or designated Officer
100B(7)(c)	The supply to the press of additional material supplied to members of the Council in connection with items of business to be discussed.	Head of Legal & Democratic Services
100C(2)	Preparation of a written summary of those parts of the proceedings of a committee, which disclose exempt information.	Head of Legal & Democratic Services
100D(1)(a) and (5) (a)	Identification of background papers and compilation of list of such documents.	Chief Officer / Corporate Directors responsible for report
100F(2)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by members of the Council.	Head of Legal & Democratic Services
115(2)	The officer who shall receive all money due from every officer employed by the Council.	Head of Finance, Procurement & Commercial Services
137A	The Officer who shall receive on deposit a statement (or any report or accounts) provided by an organisation body or fund pursuant to Section 137A (1).	Head of Finance, Procurement & Commercial Services
146(1)(a)	The officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Head of Finance, Procurement & Commercial Services
151	The officer responsible for the proper administration of their financial affairs.	Head of Finance, Procurement & Commercial Services
191(2),(4) (b)	The officer to whom applications under Section 1 of the Ordnance Survey Act 1841 should be sent.	Head of Legal & Democratic Services
210(6) and (7)	Charities.	Head of Finance, Procurement & Commercial Services
225(1) and (2)	Deposit of documents.	Head of Legal & Democratic Services

*228(3)	Accounts of “any proper officer” to be open to inspection by any member of the authority.	Head of Finance, Procurement & Commercial Services
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*Section 228(3) applies automatically to any officer who is designated as “proper officer” for any purpose and who keeps accounts.

229(5)	The officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties
234(1) and (2)	The officer who may authenticate documents.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties
236(9) and (10)	The officer who is responsible for sending certified copies of Byelaws to appropriate bodies.	Chief Operating Officer
238	The officer who shall certify copies of Byelaws as true copies.	Chief Operating Officer
248 (2)	The officer who shall keep the roll of persons admitted to the freedom of a city or town.	Chief Operating Officer
Sch.12/para4 (1A) (b)	The officer who may authenticate a summons to Council meetings.	Chief Operating Officer
Sch.12/para 4(3)	The officer who may receive notice from a member of the address to which a summons to a meeting is to be sent.	Chief Operating Officer
Sch.14/para 25 (7)	The officer who may certify copies of resolutions passed under the Public Health Acts 1875 and 1925 as true copies for production in legal proceedings.	Chief Operating Officer

LOCAL GOVERNMENT ACT 1974

30(5)	Publication of reports issued by Local Commissioner.	Head of Legal & Democratic Services
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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

41	Certification of copies of resolutions, minutes and other documents.	Chief Operating Officer
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HIGHWAYS ACT 1980

PART XI	Making up of private streets	Corporate Director of Place & Community
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REPRESENTATION OF THE PEOPLE ACT 1983

8	Registration of parliamentary and local government electors.	Chief Operating Officer
52(2)	Deputy Registration Officer	Corporate Director of Transformation, Housing & Resources
35	Returning Officer for the election of Borough and Parish councillors.	Chief Operating Officer
18 A, 18 B and 18 C & 31	Designation/re-designation of Polling Districts and Polling Places	Chief Operating Officer

CARE ASSISTANCE ACT 2014 (As Amended)

Section	Description of Function	Proper Officer
47	Removal to suitable premises of persons in need of care and attention.	Director of Commissioning, NHS Central Lancashire or any other Executive Director on the NHS Central Lancashire on-call rota.

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

13,48,59 & 60	Various powers.	Consultant level staff in Cumbria and
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Lancashire Public
Health England Centre

HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Consultant level staff
in Cumbria and
Lancashire Public
Health England Centre

FOOD SAFETY ACT 1990

49 Signing of documents. Corporate Director of
Place & Community

HOUSING ACT 2004

4 and 239 Condition of any residential premises –
official complaints and powers of entry. Corporate Director of
Transformation,
Housing & Resources

249 Signing off a certificate of designation Corporate Director of
Transformation,
Housing & Resources

LOCAL GOVERNMENT AND HOUSING ACT 1989

2(4) Deposit of lists of politically restricted posts. Chief Operating Officer

4 Head of Paid Service. Chief Operating Officer

5 Monitoring Officer. Head of Legal &
Democratic Services

19 Members interests. Chief Operating Officer

REGULATIONS MADE UNDER THE ACT

The Local Government (Committees & Political Groups)
Regulations 1990 Chief Operating Officer

The Local Authorities (Members' Allowances) (England)
Regulations 2003 Chief Operating Officer

LOCAL AUTHORITIES CEMETERIES ORDER 1977

Management Regulation and Control
of Cemeteries.

Corporate Director of
Place & Community

**LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 2006 SCHEDULE 3 AND LOCAL
ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006 SCHEDULE 2**

Rule 50	Receipt from Returning Officer of the notice of the names of persons elected to the Council.	Corporate Director of Transformation, Housing & Resources
Rule 52	Registration Officer, receipt from Returning Officer of election documents.	Corporate Director of Transformation, Housing & Resources
Rule 53	Orders for the production of elections documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources
Rule 54	Retention of election documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources

PARISH AND COMMUNITY MEETINGS (POLLS) RULES 1987

Reg 4	Returning Officer for the purpose of conducting Parish Polls	Chief Operating Officer
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LOCAL GOVERNMENT FINANCE ACT 1988

114	Functions as regards reports	Head of Finance, Procurement & Commercial Services
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ENVIRONMENTAL PROTECTION ACT 1990

149	Seizure of stray dogs.	Corporate Director of Place & Community
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LOCAL GOVERNMENT ACT 2000

Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	Chief Operating Officer
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Local Authorities (Conduct of Referendums) (England) Regulations 2012	Chief Operating Officer
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Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001 - Appointment and dismissal of Head of Paid Service, Chief Officers and Deputy Chief Officers.	Chief Operating Officer except in respect of the dismissal of the Head of the Paid Service when the Corporate Director of Transformation, Housing & Resources or Place & Community will be the proper officer.
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FREEDOM OF INFORMATION ACT 2000

S36	The Officer authorised to fulfil the role of 'qualified person'.	Corporate Director of Transformation, Housing & Resources (where absent Chief Operating Officer).
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2.2 In the cases where the Proper or Designated Officer of the Council is absent or otherwise unable so to act, then the undermentioned officers be authorised to act as such Proper or Designated Officer:

Proper Officer	Officer Designated to Act in the Absence of the Proper Officer*
Chief Operating Officer	Corporate Director of Place & Community Corporate Director of Transformation, Housing & Resources Head of Planning & Regulatory Services Head of Wellbeing & Place Services Head of Environmental Services Head of Housing Services Head of Finance, Procurement & Commercial Services (Section 151 Officer) Head of Corporate & Customer Services

	Head of Legal & Democratic Services (Monitoring Officer)
Corporate Director of Place & Community	Corporate Director of Transformation, Housing & Resources Head of Planning & Regulatory Services Head of Wellbeing & Place Services Head of Environmental Services
Corporate Director of Transformation, Housing & Resources	Corporate Director of Place & Community Head of Housing Services Head of Finance, Procurement & Commercial Services Head of Corporate & Customer Services Head of Legal & Democratic Services
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	Corporate Finance Manager (Deputy S151)
Head of Legal & Democratic Services (Monitoring Officer)	Principal Solicitor (designated as the Deputy Monitoring Officer) Democratic Services Manager

2.3 “Proper Officer” shall be taken to mean the Officer appointed above by the Council for the purpose of this Scheme or in default of such appointment, the Chief Operating Officer.

* Where an officer is designated to act in the stead of the appointed officer this is on the basis that the designated person has responsibility for the relevant directorate or service, e.g. the Head of Housing would be the relevant officer under Housing Act 2004, sections 4 and 239 (condition of any residential premises – official complaints and powers of entry).

3.0 DELEGATION TO OFFICERS

- 3.1 The following powers and duties are delegated to the officers named in 4.0 - 6.0 and Constitution 4.2A – 4.2C within the normal constraints of Council policy. Decisions shall be taken in the name of (but not necessarily personally by) that officer.
- 3.2 In the event of those officers being unavailable or unable to exercise the functions referred to, the following officers are authorised to act in their stead.
(See also para 4.3 below).

Officer	Officer Designated to Act in their Stead	Matters
Chief Operating Officer	<p>Corporate Director of Place & Community</p> <p>Corporate Director of Transformation, Housing & Resources</p>	<p>All matters</p> <p>All matters, except matters relating to Tawd Valley Development Company</p>
Corporate Director of Place & Community	<p>Corporate Director of Transformation, Housing & Resources</p> <p>Head of Planning & Regulatory Services</p> <p>Head of Wellbeing & Place Services</p>	<p>All matters, except matters relating to Tawd Valley Development Company</p> <p>All Building Control Planning Services (including Development Management, Local Plan, Strategic Planning, heritage & Conservation). All Environmental & Community Protection (including Food & Safety, Environmental Health, Private Sector Housing Standards, Licensing, Emergency Planning, Community Safety and ESAG Event Group).</p> <p>All leisure facilities & contracts (including More Positive Together) All well being and community outdoor recreation (including the ranger service) All Economic Development & Regeneration (including Markets & Car Parking)</p>

	<p>Head of Environmental Services</p>	<p>All Waste Management (including Waste Transfer Station and Fleet Services) All Clean & Green (including Environmental Enforcement, Technical Services, inc drainage, engineering, trees & pest control. All Environmental Sustainability</p>
<p>Corporate Director of Transformation, Housing & Resources</p>	<p>Corporate Director of Place & Community</p> <p>Head of Finance, Procurement & Commercial Services</p> <p>Head of Housing Services</p> <p>Head of Corporate & Customer Services</p>	<p>All matters</p> <p>All Financial & Audit matters (including risk & insurance), Procurement, Estates & Valuation and Information Governance (DPO) All Housing Regulations, quality & strategy tenancy management (including independent living, homelessness, neighbourhood officers) All Property Services (including facilities management, caretaking & cleaning, compliance, DFGS, Investment, repairs & maintenance investment) All Income & Inclusion matters</p> <p>All Business, Transformation & Change, , Human Resources & Organisation Development, Customer experience, communications & engagement, business support and revenue & benefits</p> <p>All Legal & Democratic Services (including elections)</p>

	Head of Legal & Democratic Services	
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	Corporate Finance Manager (Deputy S151)	All matters designated to the Section 151 Officer
Head of Legal & Democratic Services (Monitoring Officer and most senior Legal officer)	Principal Solicitor (designated as the Deputy Monitoring Officer) Principal Solicitor	All matters designated to the Monitoring Officer and legal matters Legal matters

4.0 DELEGATIONS TO BOTH THE CHIEF OPERATING OFFICER AND THE CORPORATE DIRECTORS

- 4.1 To manage buildings under their control.
- 4.2 To incur revenue expenditure/receive income within the Council's approved budgets subject to compliance with the Financial Regulations of the Council.
- 4.3 To incur expenditure on individual capital schemes or on design preparation of a scheme in accordance with Contracts Procedure Rules and Financial Regulations provided that, if the details of the Scheme vary significantly from that described in the capital budget, prior consultation takes place with the relevant portfolio holder(s) or Chairman.
- 4.4 To approve price variations under contracts containing fluctuation clauses and to authorise variation orders in accordance with Contracts Procedure Rules.
- 4.5 To maintain registers of contracts placed by them, where required.
- 4.6 To implement and take action under policies approved by Cabinet or the Council in consultation with the relevant Portfolio Holders.

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- 4.7 To determine and approve, in consultation with the Chief Operating Officer, the regrading of posts in accordance with the job evaluation assessed grade for the duties, in their respective Services below those staff employed on chief officer conditions, within the approved service manpower budget subject to the right of staff to recourse to the appeals procedure.
- 4.8 To appoint, take disciplinary action against, (including suspending employees from work:
- (a) where the employee's continuing presence at work compromises disciplinary investigation or impairs the efficient exercise of the Council's functions and
 - (b) on medical grounds when supported by appropriate medical opinion. This includes the dismissal of staff on the grounds of inability to attend work on a regular basis due to ill health) or terminate appointments of all employees excluding those staff employed on chief officer conditions; subject, in the case of disciplinary action, suspension or termination, to the right of staff to recourse to the appeals procedure.
- 4.9 To grant special leave for urgent personal or domestic reasons, jury service, magisterial duties, trade union purposes, or for service on joint negotiating bodies and all other special and other leave covered in the appropriate Policies.
- 4.10 To grant, in consultation with the Chief Operating Officer, allowances and car loans for appropriate members of staff in accordance with the approved scheme and approve either essential, casual or no car categorisation of posts within their service in accordance with the agreed categorisation criteria.
- 4.11 To approve training courses, including seminars for staff.
- 4.12 To deal with lost or uncollected property.
- 4.13 To determine in accordance with agreed Council policies, all other personnel management matters within their Directorate or Services including changes to the establishment, the filling of casual vacancies, the employment of temporary staff, the employment of agency staff, the granting of overtime, the granting of merit increments, granting applications for leave under the family friendly policies provided that agreed budgets are not exceeded.
- 4.14 In consultation with the Chief Operating Officer and their respective relevant Portfolio Holders,
- (a) to approve or refuse applications for voluntary redundancy in accordance with the Council's Redeployment and Redundancy Scheme,
 - (b) to approve the retirement of the Green Book and Craft employees on the grounds of Ill Health Retirement in cases that are supported by the appropriate medical advice and recommendation,
 - (c) to approve the Payment of Preserved Pension benefits in line with the Local Government Pension Scheme Regulations and

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- (d) to approve the granting of Flexible Retirement in line with the Local Government Pension Scheme Regulations.
- 4.15 To determine grievances for all employees other than those employed on chief officer conditions.
- 4.16 To take all action in connection with the invitation of tenders or quotations for any scheme which has been approved in the appropriate capital or revenue budget or where funding is provided by an external source and to accept the lowest tender or quotation for the scheme, if payment is to be made by the Council, or the highest tender or quotation if payment is to be received by the Council; or the most suitable tender where authorised by Council, Cabinet, Committee or sub-committee (as appropriate); or where the Chief Officer in consultation with the relevant Portfolio Holder determines (in accordance with this delegation) that best value for the Council would be achieved by considering factors in addition to cost in the tender evaluation process the successful tender/quotation identified by the application of that tender evaluation process, subject to the tender/quotation price not exceeding the amount which has been earmarked for that scheme in the capital or revenue budget and if the details of the scheme vary significantly from that described in the capital and revenue budget or when the external funding was agreed, prior consultation takes place with the relevant Portfolio Holder(s) or Chairman.
- 4.17 To remit charges or to write off debts which are deemed to be irrecoverable up to a limit of £5,000 in individual cases after consultation with the Head of Finance, Procurement & Commercial Services.
- 4.18 To dispose of obsolete property/equipment up to a value of £1,000 for each item.
- 4.19 In consultation with the Head of Finance, Procurement & Commercial Services, to write off any stock or stores deficiency less than £1,000 in value.
- 4.20 To select contractors to tender for work or the supply of services to the Council.
- 4.21 To take any action on behalf of the Council, following consultation with the Leader and relevant Portfolio Holder or the Chairman of the appropriate committee, in cases of urgency requiring immediate decisions, and where it would be unreasonable or impractical to convene a meeting.
- 4.22 To act as chief officers in accordance with the Code of Practice issued under the Criminal Procedure and Investigations Act 1996 and to appoint officers to undertake the appropriate duties as described in the Act and Code or any re-enactment thereof.
- 4.23 To sign statements of truth and to identify relevant officers falling within the definition "persons holding a senior position in the Council" for the purposes of signing statements of truth in relevant cases.
- 4.24 To engage specialist or consultant services where necessary, provided the costs are met from within agreed budgets.

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- 4.25 After consulting the relevant Portfolio Holder or the appropriate Chairman or the Mayor, to respond to consultation papers where the timescale for reply does not allow time for consideration by the Cabinet, relevant committee or by the Council, subject to a report back in the appropriate Members' Update

(Note: That, where practicable, the comments of a wider group of Members be sought on consultation documents via the e-mail system to inform those making the decision on a response.)

- 4.26 To submit bids for external funding/grants in accordance with agreed Council policies where the timescale for submission does not allow time for consideration by the Cabinet, relevant committee, Cabinet or by the Council subject to a report back in the appropriate Members' Update.
- 4.27 Within their respective Directorates or Services to authorise persons to enter onto land/premises for any statutory purposes.
- 4.28 To instruct the Head of Legal & Democratic Services to take any action including the institution of court proceedings, for the recovery of Council land, buildings or property occupied by any third party without the licence, consent or other permission of the Council.
- 4.29 To authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.

(In practice this power is usually limited to the Chief Operating Officer, Corporate Director of Place & Community and Corporate Director of Transformation, Housing & Resources).

N.B. The Chief Operating Officer **must** authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.

- 4.30 To appoint officers to attend the Magistrates' Court to seek orders approving the grant or renewal of authorisations for direct surveillance, covert human intelligence sources and acquisition of communications data.
- 4.31 To make, in consultation with the Chief Operating Officer, enquiries in respect of previous convictions of prospective or current employees of the Council.
- 4.32 To exercise responsibility for the management and operation of their Directorates or Services in accordance with the established policies and practices of the Council.
- 4.33 To update the Directorate/Service Safety Policy and appendices as appropriate.
- 4.34 To sign documents as authorised by the Council or under delegated authority.
- 4.35 To determine, in relation to the Freedom of Information Act 2000, whether to release information in accordance with the procedures outlined in the Council's "Dealing with Requests for Information" document.

- 4.36 To authorise amounts of up to £10,000 to be taken from a reserve controlled by him/her provided that its use is in line with the stated purpose of the reserve.
- 4.37 To authorise the use of money from a reserve controlled by him/her in excess of £10,000 after consultation with the Portfolio Holder for Resources and Transformation and other relevant Portfolio Holders provided that its use is in line with the stated purpose of the reserve.

NB. The Council's Reserves Policy sets out which Officer controls each reserve.