



## Part 3(2)

# Responsibility for Functions Scheme of Delegations to Officers

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## **Part 1 – Guidance and Background**

### **1. Introduction**

- 1.1 This part of Barrow-in-Furness Borough Council's ("the Council") Constitution deals with delegations from the Council and its committees to officers of the Council. Delegations to committees and sub-committees are set out in **Part 3(1)** of the Council's Constitution.
- 1.2 The scheme aims to provide evidence that the Council (or one of its committees) has authorised a particular officer of the Council to take an action or make a decision in given circumstances.
- 1.3 The scheme meets the requirement in Section 100G (2) of the Local Government Act 1972 that the Council should maintain a list: (a) specifying those powers of the Council which are exercisable by officers of the Council in pursuance of arrangements made under the 1972 Act or any other enactment for their discharge by those officers; and (b) stating the title of the officer by whom each of the powers so specified is exercisable.

### **2. Legislative Framework**

- 2.1 Section 101(1) of the Local Government Act 1972 empowers the Council to delegate certain of its functions to a committee, sub-committee or officer of the Council, or to another local authority.
- 2.2 Only the body or officer on whom a statutory power has been conferred may exercise that power, unless sub-delegation has been expressly authorised by words or necessary implications. Section 101(2) of the Local Government Act 1972 contains such a (limited) express power to sub-delegate. It provides that committees are empowered to sub-delegate to sub-committees or to officers, and that sub-committees are empowered to sub-delegate to officers, unless the Council otherwise directs
- 2.3 In general a delegation by the Council does not imply a parting with authority. The Council retains not only the power to revoke the grant but also the power to act concurrently on matters within the area of delegated authority (except in so far as the Council may already have become bound by an act of its delegate). Section 101(4) formalises this general position in respect of delegation arrangements made by the Council or one of its committees, by providing that such arrangements shall not prevent the authority or the committee by whom the arrangements are made from exercising those functions (i.e. they retain concurrent power to do so).
- 2.4 Legislative provisions prescribe that certain of the Council's functions may not be delegated. These include:
  - levying, or issuing a precept for a rate (as per Section 101(6) of the Local Government Act 1972); and
  - functions listed The Local Authorities (Committee System) (England) Regulations 2012.

## Part 2 – General Delegations

### 1. *General Delegations*

- 1.1 The Council delegates: -
  - 1.1.2 In respect of the officers, or the group of officers, named in **Part 3** of this scheme, the functions described in that part, subject to consultation with the officer named in that part, where applicable;
  - 1.1.3 In respect of the appointments as Proper Officer and Deputy Proper Officer in the table in **Part 4** of this Scheme, the functions mentioned in the first column of that table.
- 1.2 Where the Council, a committee or a sub-committee gives authority for the doing of anything the officer designated shall be entitled to take all necessary steps for the doing of such thing.
- 1.3 Where a delegation is made without naming an officer the delegation shall be deemed to authorise the Chief Executive or the appropriate Director to take such steps.
- 1.4 The Chief Executive may exercise the powers delegated to any Officer except in relation to those functions allocated to the Director of Resources as Chief Financial Officer (within the meaning of the Local Government Act 1972 Section 151 and the Local Government Finance Act 1988 Sections 112-114A (unless he or she is qualified under the Local Government Finance Act 1988 Section 113)) and to the Monitoring Officer (within the meaning of the Local Government and Housing Act 1989 Sections 5, 5A).
- 1.5 The Chief Executive is the **Head of the Paid Service**.
- 1.6 The Director of Resources is the **Chief Finance Officer**.
- 1.7 The Head of Legal and Governance is the **Monitoring Officer**.
- 1.8 In the event that a Head of Service's post ceases to exist or his or her responsibilities are transferred to another Head of Service (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.9 Any reference in this Scheme or its Appendix to an Act of Parliament includes reference to subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.
- 1.10 The Scheme of Delegation as revised came into effect on 23rd March, 2021 unless otherwise stated.
- 1.11 Nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by Officers before 23rd March, 2021 under any previous scheme.

## **2. Authorisations**

- 2.1 Officers to whom functions are delegated under this scheme may not sub-delegate those functions. However, where it would be impracticable for all the powers and duties conferred on a named person to be performed by that individual, that person may authorise officers in their departments to perform tasks, or to carry out specific statutory functions under the provisions of relevant legislation, on their behalf.
- 2.2 Each Officer will ensure that where s/he wishes to authorise officers within her/his department to sign documents or perform functions on her/his behalf s/he will:
  - 2.2.1 Where applicable, record that authorisation, naming the officer, the date, tasks which that officer is authorised to perform, and including the signature of the officer, and retain that record until such a time it is no longer required; and
  - 2.2.2 Where applicable, comply with the requirements of the Council's Financial Regulations and Contract Standing Orders.
- 2.3 An authorised officer will perform the tasks on behalf of the authorising officer. Any decisions taken under this, or any other similar authority, shall remain the responsibility of the Authorising Officer and must be taken in the name of that Officer.

## **3. Other provisions regarding general delegation**

- 3.1 Officers shall have delegated powers to make decisions on behalf of the Council in respect of those matters that are delegated to them within this scheme. A Director may exercise any delegations of an officer, for whom, that Director is responsible, in the absence or default of that officer.
- 3.2 Where a delegation is made but without naming an officer, the delegation shall be deemed to be a delegation to the Chief Executive, or to the Director, ~~Deputy Director/Assistant Director~~ responsible for that service area.
- 3.3 The Chief Executive, Directors, ~~Assistant Deputy Directors~~ and Heads of Service delegated to under this scheme may authorise officers as explained in paragraph 2 of this Part, above with each authorisation being copied to the Monitoring Officer.
- 3.4 Where a Director/~~Assistant or Deputy~~ Director is to be absent for any period, that Director/~~Deputy Assistant~~ Director may nominate to the Chief Executive, in writing, another officer to act in that capacity during the period of absence.
- 3.5 The Chief Executive may appoint one or more deputies to exercise his/her functions owing to absence or illness and such deputy is or such deputies are authorised to exercise the functions of the Chief Executive pursuant to the Constitution, Financial Regulations and this Scheme of Delegation except in relation to those functions allocated to the Director of Resources as Chief Finance Officer (within the meaning of the Local Government Act 1972 Section 151 and the Local Government Finance Act 1988 Sections 112-114A (unless he or she is qualified under the Local Government Finance Act 1988 Section 113)) and to the Monitoring Officer (within the meaning of the Local Government and Housing Act 1989 Sections 5, 5A)

## Part 3 - Scheme of Officer Delegations

### Section A

#### A. General Principles

With the exception of the power set out in B.1.1 below the powers delegated to officers referred to in this part of the Constitution may only be exercised in accordance with the following general principles.

1. All decisions taken must be in accordance with the approved budget, policy framework, financial regulations, contract standing orders, or any other procedure rules or requirements of this Constitution
2. Where, in the opinion of the officer making a delegated decision, that decision is likely to be contentious, before taking that decision the officer will consult with the relevant Committee Chair or a more senior officer as the case may be.
3. An officer may, instead of exercising a delegated power, refer the matter to a more senior officer or committee or the full Council as appropriate.

#### B. General

##### 1. To the Chief Executive

- 1.1 To take such action on behalf of the Council as appears to them necessary in circumstances that prevent obtaining the necessary authority from an appropriate committee following consultation with the Leader of the Council, or the Chair of the committee concerned. Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to full Council at the first available opportunity.
- 1.2 To deal with matters concerned with civic and ceremonial occasions together with civic hospitality including authorising at his/her discretion or on direction from the Executive Committee to arrange for the flying of the Union Jack flag over Barrow Town Hall on such occasion as may be appropriate and which are not among those presently specified.
- 1.3 To oversee the discharge of the Employer's responsibilities associated with the safety, health and welfare of persons not in the Council's employment who may be placed at risk by the operation of the authority.
- 1.4 To undertake on behalf of the Council negotiations and discussions with trade unions and other staff organisations concerned with employees of the Council.
- 1.5 The determination of any applications from individuals and organisations using the facilities in consultation with the Leader and s.151 Officer.
- 1.6 To consider any request for a review by any owner with regards to a decision to approve a nomination to the Council's List of Assets of Community Value.
- 1.7 To take all necessary administrative action in connection with the operation of elections and electoral administration
- 1.8 To make such amendments as may be necessary from time to time to the Barrow-in-Furness Parliamentary Polling Districts and the Barrow Borough Polling Districts.

## **2. To the Chief Executive and Directors**

- 2.1 There is delegated to the Chief Executive and to the Directors (“the Officers”) all the powers and duties of the Council necessary for the discharge of the Council’s functions carried out within the Officer’s Directorate or area of responsibility, including day to day management of buildings and services under their control.
- 2.2 To take all necessary steps to deliver the services for which they are responsible for to incur revenue expenditure within the Council’s budgets, subject to compliance with standing orders, financial regulations and any council policy for the time being in force.
- 2.3 To manage and deal with all people, welfare, inclusivity and training issues (unless otherwise covered by the Officer Procedure Rules) including making changes within the establishment, within Directorate areas, provided that all decisions are within Council policies and approved budgets and within any general HR management policies and procedures.
- 2.4 For the avoidance of doubt, people, welfare, inclusivity and training issues include appointments, promotions, discipline, grievance, early retirement, redundancy, leave, additional duties, ex-gratia payments, car allowances and any relevant appeals in accordance with HR management policies and procedures (unless otherwise covered by the Officer Procedure Rules).
- 2.5 The appointment of staff above the NJC scheme but below Assistant Director level (as per Executive Committee Decision 15.9.21 Minute No. 57).
- 2.6 To be responsible for the health, safety and welfare of employees.
- 2.7 To implement national agreements, salaries, terms and conditions of employment and to undertake negotiations and discussions on industrial relations as appropriate.
- 2.8 To appoint staff as Duly Authorised Officers and Inspectors of the Council and suitable competent individuals not in the employ of the Council in appropriate circumstances.
- 2.9 To exercise powers of entry for the purposes of any statutory power insofar as the powers relate to the functions entrusted to that Officer.
- 2.10 To serve all notices relevant to statutory responsibilities that come within their area of responsibility and to take appropriate enforcement action in the event of default by persons served with such notices.
- 2.11 The imposition of civil penalties under s.126 and Schedule 9 Housing and Planning Act 2016, and the application for Banning Orders under Part 2 of the Act and Applications for Rent Repayment Orders.
- 2.12 Authentication of documents where necessary to any legal procedure or proceedings on behalf of the Council.
- 2.13 Authorising Letters or Deeds of Postponement under s.156 Housing Act 1985 in accordance with the Council’s approved procedure

- 2.14 To respond to the government and other consultation bodies following appropriate consultation.
- 2.15 To take all steps necessary to implement decisions of the Council or its Committees.
- 2.16 To consider any representations and objections received from persons on whom notices of intent are served under the Redress Scheme for Lettings Agency Works, etc. Regulations 2014 and in those cases to authorise final notices, either as set out in the notice of intent, in modified form or to withdraw notices.
- 2.17 In relation to matters or functions for which the officer concerned is responsible, issuing requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, Section 330 of the Town and Country Planning act 1990 or any similar provision in any other existing or future legislation.
- 2.18 To consider and make appointment of consultants.
- 2.19 In consultation with the s.151 Officer to agree to act as Accountable Body where the project is less than £50,000 in total and satisfies the requirements of the Financial Regulations.
- 2.20 In the absence of the Chief Executive, the power to make emergency decisions in consultation with the relevant Committee Chair or Vice-Chair in their absence together with the Leader of the Council.
- 2.21 The setting of fees and charges, such fees and charges to be set against the Discretionary Income Policy or increased in line with the annual budget proposals.

### 3. **To Chief Executive, Directors and Heads of Service**

- 3.1 Powers to take any decision on behalf of the Council, not otherwise delegated, which can lawfully be delegated to Officers, subject to the decision taker, before taking the decision, having taken appropriate steps to consult the Leader and/or Chair and if appropriate members of the Committee which would, save for this delegated power, have taken the decision.

### 4. **To the Director of Resources (Section 151 Officer)**

The Council's Financial Regulations set out in more detail the statutory and non-statutory powers of the Director of Resources and the rules within which the financial affairs of the Council are administered.

- 4.1 The Director of Resources (Section 151 Officer) has the following delegations and as set out in the above rules:
- 4.2 Properly managing and administering of all the Council's financial affairs in accordance with all statutory requirements, any adopted codes of practice and the Council's Financial Regulations (including any technical adjustments to the Council's approved budgets, or accounts to ensure compliance to safeguard the Council's financial position.
- 4.3 Preparation of the revenue budget and capital programme; responsibility for the overall financial control of the revenue budgets and capital programme of the Council. For subdividing service budgets within the overall budget framework



according to Council structure and services, having regard to relevant Codes of Practice. For allocating the revenue budgets and capital programme wholly among responsible Heads of Service.

- 4.4 To approve annually a list of expenditure proposals for which revenue budget provision had been made in the previous year and for which the particular goods or services had not been supplied before the financial year end; and a list of expenditure proposals on capital schemes for which provision had been made in the capital programme for the previous year but which was under or overspent so that supplementary estimates may be considered for the ensuing financial year.
- 4.5 Where an individual debtor owes the Council no more than £25,000 (Borough share), the Director of Resources may approve the write off of that debt where there is satisfactory evidence that it is irrecoverable. In any other case, the debt may be written off only with the approval of the Executive Committee. However, there may be occasions when an immediate write off decision above £25,000 is necessary, for example at year end, to enable the completion of the final accounts within the statutory timescale. In such cases the Director of Resources will have authority to approve a maximum Business Rate write off of no more than £62,500.
- 4.6 Treasury management; the Director of Resources is responsible for all investment, borrowing and leasing undertaken in the name of the Council. Preparation of the annual Treasury Management Policy Statement, Treasury Management Strategy, Investment Strategy, Prudential Indicators including borrowing limits, and ensure compliance with the CIPFA Code of Practice on Treasury Management and the Council's Treasury Management Policy Statement.
- 4.7 Preparation of an annual Capital Strategy.
- 4.8 Maintaining an effective Internal Audit service.
- 4.9 To determine the Council Tax Base, calculating the Council Tax Requirement, calculating the Council Tax as required by legislation; by Parish and by Band. The award of mandatory or discretionary, exemptions, disregards and discounts. Billing, collection and recovery of Council Tax due.
- 4.10 To apply any applicable or relevant changes in the Housing Benefit Regulations to the Local Council Tax Reduction Scheme. Determining, assessing, awarding and paying Housing Benefit and Council Tax Support.
- 4.11 To determine the Non-Domestic Rate Base. Dealing with all matters relating to the Business Rate Retention Scheme and agency arrangements, including billing, collection, recovery and the award of mandatory or discretionary, exemptions and reliefs. Determining membership of the Cumbria Business Rate Pool.
- 4.12 Payment of precept demands.
- 4.13 To administer, bill, collect and enforce levies arising under a Business Improvement District (BID) Scheme. Payment of the levy collected to the BID.
- 4.14 To determine all arrangements for the collection, recording, payment and recovery of VAT.



- 4.15 To arrange banking, treasury and other financial services, including indemnities, guarantees, bonds, securities, leasing arrangements and advances. Only officers personally mandated by the Director of Resources may authorise payments and other documents transferring funds out of the Council's bank accounts.
- 4.16 Effecting all insurance cover on a corporate basis, through external insurance or through internal self-insurance arrangements as the Director of Resources considers appropriate. Negotiating all claims in consultation with relevant Heads of Service where necessary, including settlement of those claims uninsured to a limit of £10,000.
- 4.17 The administration of all arrangements for the payment of salaries, pensions, travel and subsistence claims and other emoluments to existing and former employees, and for all related matters.
- 4.18 To institute and defend any legal proceedings in respect of any matter relating to the functions of the Council (including the service of any notice or order, the exercise of any power of entry and engaging the Council's solicitors) in any case where such action is necessary to give effect to decisions of the Council (including for the avoidance of doubt any officer acting under delegated powers) or in any case where the Director of Resources considers that such action is necessary to protect the Council's interests.
- 4.19 To make changes to the list of employees representing the Council in the Magistrates Court as section 151 Officer to deal with local taxation matters.

4.20 To authorise Covert Surveillance under the Regulation of Investigatory Powers Act and within the Council's adopted policy

**5. To the Director of People and Place**

- 5.1 Authority to enter into new leases for Council owned shops and garages and for any other leases under the Landlord and Tenant Acts up to a period of 25 years.
- 5.2 With Management Team, authority to consider and approve applications under the Council's Corporate Community Lettings Policy (Executive Committee 10.3.21).
- 5.3 Authority to agree and accept surrenders of leases.
- 5.4 Authority to enter into licences in respect of land and property owned by the Council, including licences in respect of allotments, garage bases, fun fairs and ice-cream vending bases.
- 5.5 To make representations as a responsible authority as outlined in the Licensing Act 2003 for the following considerations:
- Public Protection Services and
  - Health and Safety at Work
- 5.6 To exercise the Council's functions and enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014

- 5.7 To exercise the Council's functions under the Environmental Protection Act 1990, including authority to serve and revoke statutory and fixed penalty notices and to take appropriate enforcement action in the event of non-compliance including:
- Provisions with relation to litter
  - Waste Collection
  - Statutory nuisances and clean air
  - Contaminated land
  - Control of stray dogs, including functions imposed or conferred by s.149 (1)
  - Authority to waive kenneling fees either in part or in full where appropriate after consideration of the social implications of each case.
- 5.8 To exercise the Council's functions under the Traffic Management Act 2004 and relevant Traffic Regulation Orders, including cancellation of excess charge notices in accordance with the guidelines laid down.
- 5.9 Authority to deal with all matters related to the Landlord and Tenant Act regarding Barrow Market, including rent reviews and variations, including any varying or waiving of rents, lease renewals, notices to quit and landlord approvals, where appropriate and where there is a social or economic benefit to the Borough in doing so.
- 5.10 Management and enforcement of Market Tenancy conditions including use of legal remedies to deal with breaches by current and former tenants.
- 5.11 The management of all stock within the Council's Housing Revenue Account to be exercised in accordance with all relevant legislation and the Council's agreed policy.
- 5.12 Management and enforcement of tenancy conditions, including use of legal remedies to remedy breaches and to take action to recover debts outstanding with regards to former Council tenants, including use of legal redress.
- 5.13 To authorise adaptations for disabled tenants up to the Council agreed limit (currently £40,000)
- 5.14 Authority, in consultation with the Head of Legal and Governance, to defend the Council against any legal claims made against it in connection with the management of the Council's housing stock, for example disrepair.
- 5.15 To ensure applications to waive repayments of discount under the Right to Buy are dealt with expediently and in a confidential manner, delegation to consider and decide on such applications after consultation with the Chair of the Executive Committee and s.151 Officer.
- 5.16 To agree the disposal and sale of small ad hoc parcels of land on Council Housing Land where they are adjacent to and can be incorporated into adjoining residential belonging to the prospective purchase in accordance with agreed policy up to a value of £20,000. The authorisation includes instructing a conveyancing solicitor to transfer the legal title of the property. (Note: appeal through the Housing Management Forum if request is declined).
- 5.17 Fulfilment of the Council's statutory duties with regards to homeless persons.

- 5.18 To hear and determine homelessness appeals
- 5.19 making decisions re waiving repayment of discount under the Right to Buy after consultation with the Chair of the Executive Committee and s.151 Officer.
- 5.20 To approve or reject nominations for inclusion on the List of Assets of Community Value under s.88 of the Localism Act 2011.
- 5.21 The setting of the following fees and charges, where discretionary, to be set against the Discretionary Income Policy:
- (a) Land Charge fees
  - (b) The setting of charges for the Council's Ordnance Survey Plan printing service.
  - (c) To agree fees and charges for pre-application planning advice.
  - (d) To set and review fees for charging for Environmental Information.
  - (e) To set additional charges and future fees for discretionary activities against the Discretionary Income Policy.
- 5.22 To formally enter into Planning Performance Agreements; agree any subsequent variations or amendments to an approved Planning Performance Agreement; and secure bespoke fees associated with any Planning Performance Agreements (Minute No. 22 Executive Committee 8th July, 2020 refers).
- 5.23 Authority, in consultation with the Chair of Executive Committee to put in place the necessary arrangements to facilitate the establishment, governance requirements and ongoing control of the Local Authority Trading Company for the delivery of Leisure Services (Minute No. 117 Council 21st April, 2021 refers).
6. **To the Deputy Director People and Place each Assistant Director**
- 6.1 Authority to exercise any power delegated to his/her Director in this Section of Part 3 that relates to his/her **Directors'** area of responsibility
7. **To the Assistant Director Community Services and Head of Legal and Governance**
- ~~7.1 To authorise Covert Surveillance under the Regulation of Investigatory Powers Act and within the Council's adopted policy.~~

## Section B

### To the Head of Legal and Governance (Monitoring Officer)

- 1.1 To be responsible for the conduct of all legal and quasi-legal proceedings entered into by the Council including the appointment of external Solicitors, Counsel and professional witnesses as appropriate.
- 1.2 Instituting legal proceedings on behalf of the Council and representing the Council before any Court, Tribunal, Inquiry or other hearing.
- 1.3 In consultation with the relevant Director, to take action, including prosecution in respect of any breach of legislation for which the Council, or an officer of the Council, is the responsible enforcement authority and it is in the interest of the Council and in the public interest to do so.
- 1.4 In consultation with the relevant Director, to issue civil proceedings in any appropriate Court or Tribunal for the recovery of a financial payment, possession or repossession of property, or to seek any other appropriate remedy.
- 1.5 To respond to all proceedings of a legal or quasi-legal nature issued against the Council in consultation with the s.151 Officer, to settle claims up to a maximum of £10,000 where there is a legal liability on the Council.
- 1.6 The preparation and completion of documents required to give effect to decisions of the Council, its committees or sub-committees or officers acting under delegated authority.
- 1.7 To serve any notices required under contract not otherwise delegated to the Chief Executive or a Director and to take appropriate enforcement action in the event of default by persons served with such notices.
- 1.8 To approve applications for anti-social behaviour orders either by the Police or by the Council (This delegation is also with the Director of People and Place)
- 1.9 Following consultation with the Chair of the Council, alter the agreed starting times of Council meetings if the volume of business to be transacted appears to warrant change.
- 1.10 To take such action as is delegated to them under the Council's Standards Arrangements
- 1.11 In consultation with the Independent Person, the power to grant dispensations up to a maximum of 4 years in the following circumstances:
  - That he/she considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of body transacting the business as to impede the transaction of the business

- That, without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business
- 1.12 To respond on behalf of the Council, in consultation with the Chair of Audit and Governance, to national reviews and consultations on standards related issues.
- 1.13 To administer the Members' Allowances Scheme.
- 1.14 To give effect to the wishes of the Political Group Leaders in relation to the appointment of Members to Committees and Sub-Committees pursuant to Section 16, Local Government and Housing Act 1989.
- 1.15 To authorise Covert Surveillance under the Regulation of Investigatory Powers Act and within the Council's adopted policy.

## Section C

<b><u>Development Services Manager (Planning and Enforcement)</u></b>	
<b>Delegations</b>	<b>Exercising of Other Delegations</b>
<ol style="list-style-type: none"><li>1. To determine all applications for planning consent, advertisement consent, and listed building consent except:-<ol style="list-style-type: none"><li>i. Where the determination or observation would be contrary to current national guidance, the provisions of an approved Development Plan or other stated adopted Council policies.</li><li>ii. When the application is classed as a Major application in accordance with government guidance, but excluding subsequent amendments whether Material or Non material.</li><li>iii. Where the determination would be contrary to a recommendation of a Statutory Consultee that could not be addressed via a suitable condition or revision as agreed with the consultee.</li><li>iv. Where the application affects Council owned assets (in the interests of transparency).</li><li>v. In the case of householder development, where the application generates more than 3 written material planning comments from neighbours or other interested parties (comments from the same address count as 1) prior to determination or within 21 days of their publication in the press, or the despatch of a written consultation which would be contrary to the prospective decision. Where 1- 3 material comments are received the application shall be determined in consultation with the Planning Panel.</li><li>vi. Where any Member notifies the Planning Manager or the Case Officer in writing within 21 days of the despatch of the weekly list of planning applications that he or she wishes the application to be referred to the Planning Committee for determination, unless the Member is satisfied by attending the Planning Panel and considering the Officer recommendations. (A pro forma is provided for this purpose with each copy of the weekly list of planning applications).</li><li>vii. Where there is a request within the statutory determination period to address the Committee</li><li>viii. Where the applicant is an elected Member.</li><li>ix. Where the applicant is employed in the Development Services section, or is a close family member of such, (defined as spouse, parent, sibling or child of an employee)</li><li>x. Where the Director of People and Place is of the view that the application or matter should be referred to the Planning Committee for determination.</li></ol></li></ol>	

2. To make observations on all statutory and other notifications including consultations on County Matter applications except where such applications appear contrary to the Development Plan or national policy in which case the Panel shall be consulted.
3. To determine all applications and consultations submitted under the relevant Hazardous Substances Regulations.
4. To determine all applications for Screening and Scoping Opinions submitted under the relevant EIA Regulations
5. To determine all applications subsequently found to consist of works that are Permitted Development
6. To determine all applications pertaining to Prior Approvals and Prior Notifications (but where 3 written material planning representations are received from more than 3 neighbouring properties, then in consultation with the Planning Panel)
7. To determine all applications submitted under the Larger Homes Extension legislation (but where written material representations are received, in consultation with the Planning Panel)
8. To determine any matters when Reserved or made the subject of conditions in a Planning Consent, or any material or non-material amendments to that consent.
9. To determine all applications for works to trees, including felling, pruning and requirements to replant, subject to a Tree Preservation Order
10. To exercise the powers and duties of the Council under Sections 211 to 214 of the Town and Country Planning Act, 1990 insofar as they relate to responding to notifications of intention to fell trees in Conservation Areas and to compiling a register under Section 214 of the said Act.
11. To authorise making of Tree Preservation Orders and confirm unopposed Tree Preservation Orders under s.198 of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
12. The service of notices for the obtaining of information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, and section 330 of the Town and Country Planning Act 1990, or any amendments or re-enactments thereof, as to interests in land.
13. To exercise the powers of entry as set out in s.196A, 196B, 214B, 214C, 214D, 324 and 325 Town and Country Planning Act 1990 (as amended) and sections 88, 88A and 88B of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) and s.74 of the Anti-Social Behaviour Act 2003 and Regulation 12 of the Hedgerow Regulation s1997 and to authorise all other planning officers whose duties require such powers.



14. To take, after consultation with the Planning Panel any necessary enforcement action including the service of a stop notice or a Temporary Stop Notice under Section 171E of the Planning Act 1990 where such development is in the process of being carried out and is considered to be unacceptable.
15. To serve planning contravention notices, breach of condition or stop notice under s.171C, 187A and 183(1) of the Town and Country Planning Act 1990.
16. The taking of enforcement action, including the issue of an Enforcement Notice under s.172 of the Town and Country Planning Act 1990.
17. Authority to withdraw an Enforcement Notice.
18. To execute urgent works under s.54 of the Planning (Listed Buildings and Conservation Areas) Act 1990
19. To service notices under s.215(1) of the Town and Country Planning 1990 to require proper maintenance of land and to take appropriate action in the event of non-compliance with any notice.
20. To determine minor issues falling within the Case Priority Assessment List Level 4 of Council's Enforcement Policy Guidance which in the professional judgement of the Development Services Manager (Planning and Enforcement) are of a nature that does not require a Member decision.
21. To determine all applications for Certificates of Lawfulness, whether or not subject to representations
22. To exercise the authority's functions under Section 225 of the Planning Act 1990.
23. To deal with all, except the most serious cases, that fall into case priority assessment list level 1 of the revised Planning Enforcement Policy.
24. To make any non-material amendments or minor changes to the Planning Enforcement Document.
25. To approve within budget provision, work on agreed enhancement schemes.
26. To determine, in consultation with the Planning Panel, the issue of remedial notices and to take any necessary action arising therefrom in relation to high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
27. To take any action relating to the protection of important hedgerow under The Hedgerows Regulations 1997.
28. To dispose of planning applications in accordance with the Town and Country Planning GDPO 2015 Articles 40 (or any subsequent legislation re-enacting or revising this Article).

All decisions are to be in line with the contemporary Code of Conduct.

**Section D**

<b><u>Development Services Manager (Building Control)</u></b>	
<b>Delegations</b>	<b>Exercising of Other Delegations</b>
<ol style="list-style-type: none"><li>1. To be the Council's representative and to take decisions on behalf of the Council under the Safety of Sports Grounds Act, 1975 and the Fire Safety and Safety of Places of Sports Act 1986.</li><li>2. To deal with all matters (including the serving of notices and the institution of legal proceedings) under the provisions of the Building Act, 1984 Section 77 (Dangerous Structures) and Section 78 (Dangerous Structures – Emergency Measures).</li><li>3. To deal with all matters (including the serving of notices and the institution of legal proceedings under the provisions of the Building Act, 1984 Sections 80, 81 and 82 (Local Authorities' powers concerning demolition).</li><li>4. To deal with all Building Regulation applications and matters (including the service of notices and the institution of legal proceedings) subject to reporting on action taken to the relevant Committee on a quarterly basis in relation to any rejection of plans, refusal and/or approval or relaxations.</li><li>5. To deal with the setting of charges with respect to the Building Regulation chargeable functions under the provisions of The Building (Local Authority Charges) Regulations 2010.</li><li>6. To deal with Re-naming and numbering of existing individual properties and naming of new streets under the Town Improvement Clauses Act 1847.</li></ol>	<p>Principal Building Control Surveyor has authority to act in the absence of Development Services Manager (Building Control)</p>

**Section E****Public Protection Manager**

<b>Delegations from Licensing Regulatory Committee</b>	<b>Exercising of Other Delegations</b>
<p><b><u>Taxi, Gaming, Food, Miscellaneous Licensing and registration functions (other than functions under the Licensing Act 2003 and Gambling Act 2005)</u></b></p> <p><u>Determination of Applications</u></p> <p>Except where objections have been received;</p> <ol style="list-style-type: none"><li>1. To determine any licence, registration, permission or consent for which the Licensing Regulatory Committee is responsible and attach to the grant of a licence such conditions as they consider reasonably necessary.</li><li>2. To refer such applications to the Licensing Regulatory Committee/<u>Sub-Committee</u> which in the opinion of the Public Protection Manager should be determined by them.</li><li>3. To institute, defend or participate in any action, including but not limited to, enforcement action or legal proceedings in respect of any matter relating to the functions (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Licensing Regulatory Committee or any officer acting under delegated powers in consultation with the Director of Resources.</li></ol> <p><u>“Taxi” Licensing</u></p> <p><b>Private Hire / Hackney Carriage Drivers’ Licences</b></p> <ol style="list-style-type: none"><li>4. To suspend or revoke a private hire or hackney carriage drivers’ licences for:<ol style="list-style-type: none"><li>(i) Failure to provide such information as the Council considers reasonably necessary to enable them to make determinations regarding the continued safety and suitability of drivers during the term of the licence;</li><li>(ii) Contravention of any of the conditions of a licence or other relevant legislation; or</li><li>(iii) Pursuant to s.61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 and s.61 (1)(b) for ‘any other reasonable cause’ and to be permitted, where practicable in consultation with the Chair or Vice-Chair of the Licensing Regulatory Committee, to suspend or revoke immediately pursuant to s.61(2B) where it is considered necessary in the interest of public safety;</li></ol></li></ol>	<p>Commercial Services Team Leader has authority to act in the absence of Public Protection Manager</p>

<p><b>Private Hire / Hackney Carriage Vehicles' Licences</b></p> <p>5. To suspend private hire and hackney carriage vehicle licences on any of the grounds contained in s.60(1) Local Government (Miscellaneous Provisions) Act 1976; and serve any relevant notice.</p> <p><b>Private Hire / Hackney Carriage Operators' Licences</b></p> <p>6. To suspend or revoke the licence of an operator on any of the grounds contained in s.62(1) Local Government (Miscellaneous Provisions) Act 1976; and serve any relevant notice.</p> <p><b>Executive Hire</b></p> <p>7. To determine applications for an Executive Hire Exemption Notice permitted under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976.</p> <p><u>Miscellaneous Licensing &amp; Registration</u></p> <p><b>Business and Planning Act 2020</b></p> <p>8. To determine applications for pavement licences; to include setting the duration of the licence and attach such conditions as considered reasonably necessary and to take any necessary action in relation to the enforcement and revocation of the licence.</p> <p><u>Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020</u></p> <p><u>9. To determine applications from a relevant person to be included on a register of fit and proper persons; to include attaching condition(s) as considered reasonably necessary to secure the proper management of the site, which may include a condition relating to the payment of an annual fee and to take any necessary action in relation to the removal from the register, enforcement and revocation of a site licence.</u></p>	
<p><b>Delegations from Licensing Committee</b></p>	
<p><b><u>Functions under the Licensing Act 2003 and Gambling Act 2005 Powers under the Licensing Act 2003</u></b></p> <p>To determine applications for a personal licence where no Police objection is made.</p> <p>To determine applications for a premises licence and a club premises certificate where no relevant representation is made.</p>	<p>Commercial Services Team Leader has authority to act in the absence of the Public Protection Manager</p>

<p>To determine applications for a provisional statement where no relevant representation is made.</p> <p>To determine applications to vary a premises licence or a club premises certificate where no relevant representation is made.</p> <p>To determine applications to vary premises licence/club premises certificate by way of a minor variation in all cases.</p> <p>To suspend a Premises Licence or Club Premises Certificate, for non-payment of the Annual Fee.</p> <p>To revoke a Premises Licence, for non-payment of the Annual Fee.</p> <p>To cancel a Societies Registration under the Act.</p> <p>To determine applications to vary the designated premises supervisor in cases where there is no Police objection.</p> <p>To determine all requests to be removed as a designated premises supervisor.</p> <p>To determine applications for the transfer of a premises licence where no Police objection is made.</p> <p>To determine applications for interim authorities where no Police objection is made.</p> <p>To determine whether a representation is irrelevant, frivolous, vexatious etc.</p> <p>To make representations as a Responsible Authority, where appropriate, in response to applications.</p> <p>To classify films which have not already been classified by the British Board of Film Classification (delegated to the Commercial Services Team Leader in the absence of the Public Protection Manager).</p> <p>To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Licensing Committee or any officer acting under delegated powers in consultation with the Director of Resources.</p> <p><b><u>Powers under the Gambling Act 2005</u></b></p> <p>To act as authorised officer for the purposes of s.304 and Part 15 of the Gambling Act 2005.</p>	<p>Commercial Services Team Leader has authority to act in the absence of the Public Protection Manager</p>
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To determine applications for premises licences where no representations have been received or any representations made have been withdrawn.

To determine applications for a variation to a licence where no representations have been received or any representations made have been withdrawn.

To determine applications for the transfer of a licence where no representations have been received from the Commission.

To determine applications for a provisional statement where no representations have been received or any representations made have been withdrawn.

To determine applications for club gaming/club machine permits where no representations have been received or any representations made have been withdrawn.

To determine applications for other permits (up to 4 machines).

To cancel licensed premises gaming machine permits.

To consider any Temporary Use Notice.

To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Licensing Committee or any officer acting under delegated powers in consultation with the Director of Resources.

### **Other Delegations**

### **Additional Meetings of Licensing Regulatory and Licensing Committees/Sub-Committees**

The Public Protection Manager is authorised to arrange special meetings of the Licensing Regulatory and Licensing Committees if appropriate in each cycle.

### **The Anti-Social Behaviour, Crime and Policing Act 2014**

To exercise the Council's functions and enforcement powers under the 2014 Act, including:-

Issuing community protection notices.

To exercise any function including the service of any notice or order, the exercise of any powers of entry and the taking of any other action or proceedings under any relevant legislation or otherwise (after consultation with the Director of Resources in respect of any

<p>proposal to institute court proceedings) in respect of matters relating to:</p> <ol style="list-style-type: none"> <li>1. contaminated land</li> <li>2. the control of pollution or the management of air quality</li> <li>3. the inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance including the service of any abatement notices.</li> <li>4. functions relating to health and safety including, without prejudice to the generality of the foregoing, the service of any Improvement or Prohibition Notices,</li> <li>5. functions relating to smoke free premises, places and vehicles for which the Licensing Regulatory Committee is responsible, without prejudice to the generality of the foregoing, the power to enforce offences relating to the display of no smoking signs; offences relating to smoking in smoke free places; offence of failing to prevent smoking in smoke free places; and, power to transfer enforcement functions to another enforcement authority all such functions being pursuant to the Health Act 2006, and the Smoke-free (premises and enforcement) Regulations 2006 and any other ancillary Regulations.</li> </ol> <p>To deal with all functions relating to health and safety under any statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as employer.</p> <p>All Environmental Health Officers employed by the Council shall be appointed as Inspectors under Health and Safety at Work Act etc. 1974 and be empowered to serve Improvement and Prohibition Notices and to institute proceedings for an offence under the same legislation.</p> <p>To take action in accordance with the powers contained in:</p> <ol style="list-style-type: none"> <li>1. The Public Health Act 1936, Section 84 and 85 (Cleansing or destruction of filthy or verminous premises, clothing and articles),</li> <li>2. The Public Health Act 1961, Section 37 (Disinfection of verminous articles offered for sale),</li> <li>3. The Public Health (Control of Diseases) Act 1984, Sections 48 (removal of dead bodies), 61 and 62 (powers of entry),</li> <li>4. The Health Protection (Notification) Regulations 2010, Regulations 2 (Duty to notify suspected disease, infection of contamination in patients) and 3 (Duty to notify suspected</li> </ol>	<p>Environmental Protection and Public Health Team Leader unless express delegation elsewhere.</p> <p>Commercial Services Team Leader unless express delegation elsewhere.</p>
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disease, infection or contamination in dead bodies),

5. Public Health (Ships) (Amendment) (England) Regulations 2007
6. Prevention of Damage by Pests Act 1949
7. Public Health (Control of Disease) Act 1984
8. Housing Act 1985
9. Building Act 1984
10. Public Health Act 1936
11. Public Health Act 1961
12. Control of Pollution Act 1974
13. Local Government (Miscellaneous Provisions) Act 1976
14. Local Government (Miscellaneous Provisions) Act 1982
15. Public Health (Control of Diseases) Act 1984
16. Environmental Protection Act 1990
17. Clean Air Act 1993
18. Zoo Licensing Act 1981

**Ship Water Sampling Fees**

To review the setting of fees for water sampling.

**Section F**

<b><u>Property Services Group Manager</u></b>	
<b>Delegations</b>	<b>Exercising of Other Delegations</b>
<p><b><u>Private Sector Housing Assistance Policy or other forms of assistance as apply at the time</u></b></p> <p>(i) To draw up detailed procedures for the provision and authorisation of agreed forms of assistance; and</p> <p>(ii) To authorise Disabled Facilities Grants, Barrow Disability Minor Works Grants and Barrow Disability Major Works Grants.</p> <p><b><u>Private Sector Housing Enforcement Policy/Housing Act 2004</u></b></p> <p>Delegated authority in relation to Mandatory Licensing of Houses in Multiple Occupation and taking enforcement action under the Housing Health and Safety Rating Scheme:-</p> <ul style="list-style-type: none"><li>○ Making, serving, varying and revoking of Prohibition Orders, Improvement Notices and Hazard Awareness Notices;</li><li>○ Powers to take emergency remedial action and to make emergency Prohibition Orders;</li><li>○ Powers of entry and seeking warrants to enter;</li><li>○ Making charges under Section 49;</li><li>○ Recovery of Section 49 charges under Section 50;</li><li>○ Granting, varying and revoking of HMO Licences;</li><li>○ Powers to make requisitions for information s.16 (Local Government Miscellaneous Provisions Act 1976</li><li>○ Approval of remedial notices and penalty charge notices, and other notices as required by the Smoke and CO Alarm Regulations 2015, and to approve in writing officers to act as “authorised persons” who can take remedial action;</li><li>○ Authorisation of notices of intent under the Redress Schemes for Letting Agency Work etc. Regulations 2014, and if no representations or objections are raised to authorise final notices.</li></ul>	

<p>To agree that the decision and all reasonable enquiries to facilitate that decision to grant, refuse, revoke or vary a licence and the length of licence and charge for a licence in relation to Mandatory Licensing of Houses in Multiple Occupation and, that any person who is not satisfied with any decision may take the matter before the Residential Property Tribunal in the manner prescribed by the Act.</p>	
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**Section G**

<b><u>Collections and Exhibitions Manager</u></b>	
<b>Delegations</b>	<b>Exercising of Other Delegations</b>
<p><b><u>Deaccessioning</u></b></p> <p>To agree to the under-mentioned deaccessioning:-</p> <ol style="list-style-type: none"><li>1. Where the value is less than £1,500; and</li><li>2. The object is not related to the Borough of Barrow-in-Furness; and/or</li><li>3. Does not fit in the Collections Development Policy (which has been approved by the Executive Committee).</li></ol> <p>Where there is a distinct collection such as geology collection, archaeology collection or natural history collection, then that cannot be deaccessioned without the Executive Committee's approval.</p>	

## **Part 4 – Appointments of Proper Officer & Deputy Proper Officer**

### **1 *Legislative background***

- 1.1 Legislation requires the Council to appoint specific officers and to identify officers for particular responsibilities.
- 1.2 The Council has appointed the following Proper Officers under the enactments shown in the table below.
- 1.3 The Deputy Proper Officer is also authorised to act.

## DESIGNATION OF PROPER OFFICERS

The following are the Proper Officers of the Council under the enactments shown below. The alternative Proper Officer is also authorised to act.

<b>Section of the Local Government Act 1972</b>		
<b>Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s.13(3) - Parish Trustee	Monitoring Officer	Deputy Monitoring Officer
s.83 (1) to (4) - Witness and receipt of Declarations of Acceptance of Office	Monitoring Officer	Chief Executive or Democratic Services Manager
s.84 Receipt of Declaration of Resignation of Office	Monitoring Officer	Chief Executive
s.88(2) - Convening of meeting of Council to fill casual vacancy in the office of Chairman	Monitoring Officer	Chief Executive
s.89(1)(b) - Receipt of notices of pecuniary interest	Returning Officer	
s.96(1) - Receipt of notices of pecuniary interest	Monitoring Officer	Deputy Monitoring Officer
s.96(2) - Keeping record of disclosure of pecuniary interest under Section 94 and notices under Section 96(1)	Monitoring Officer	Deputy Monitoring Officer
s. 100B(2) - Circulation of papers and reports	Democratic Services Manager	Chief Executive
s.100B(5) - Withholding of reports containing exempt information	Monitoring Officer	Chief Executive
s.100B(7)(c) - Supply of papers to the press	Democratic Services Officer	Chief Executive
s.100C(2) - Summaries of minutes	Democratic Services Manager	Chief Executive
s.100D - Inspection of background papers	Democratic Services Manager	Chief Executive
s.100F - Members right to papers	Democratic Services Manager	Chief Executive
s.115(2) - Receipt of money due from officers	Director of Resources	Deputy s.151 Officer
s.146(1)(a) and (b) - Declarations and service with regard to securities	Director of Resources	Deputy s.151 Officer
<b>Section of the Local Government Act 1972</b>		
<b>Proper officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s.151 - Responsibility for the proper administration of the Council's financial affairs	Director of Resources	Deputy s.151 Officer
s.191 - Functions with respect to ordnance survey	Director of People and Place	Development Services Manager
s.210(6) and (7) - Charity functions of holders of offices	Chief Executive	Director of Resources

with existing authorities transferred to holders of equivalent offices with new authorities or, if there is no such office, to Proper Officer		
s.212(1) - Local Registrar for Land Charges	Director of People and Place	Development Services Manager
s.225(1) - Proper Officer function - deposit of documents	Chief Executive	Monitoring Officer
s.228(3) - Accounts of any Proper Officer to be open to inspection by any Member of the Authority	Director of Resources	Deputy s.151 Officer
s.229(5) - Certification of Photographic copies of Documents	Any member of Management Team and Democratic Services Manager	
s.234 - Authentication of Documents	Officer authorised in that connection by a general delegation or otherwise, or the Monitoring Officer in the absence of such authority	Deputy Monitoring Officer
s.236(9) - To send copies of byelaw for Parish records	Monitoring Officer	Chief Executive
s.236(10) - To send copies of byelaws to the County Council	Monitoring Officer	Chief Executive
s.238 - Certification of byelaws	Any member of Management Team	
s.248 - Keeping of Roll of Freeman	Chief Executive	Monitoring Officer
Schedule 12, Para 4 (2)(b) - Signature of summonses to Council Meetings	Chief Executive	Monitoring Officer
Schedule 12, Para 4(3) - Receipt of notice regarding address to which summonses to meetings are to be sent	Democratic Services Manager	
Schedule 14, Para 25(7) - Certifying resolutions applying or dis-applying provisions of Public Health Acts 1875-1961	Chief Executive	Director of Resources
<b>Local Government Act 1974</b>		
<b>Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s.30 - To give public notice of reports by the Local Commissioner	Monitoring Officer	Officer nominated by the Monitoring Officer as Deputy Monitoring Officer
<b>Representation of the People Acts 1983</b>		
<b>Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s.8 - Electoral Registration Officer	Chief Executive	Deputy Returning Officer (Democratic Services Manager) or as delegated by the Returning Officer



s.35 - Returning Officer	Chief Executive	Deputy Returning Officer (Democratic Services Manager) or as delegated by the Returning Officer
s.81 - To receive returns as to election expenses	Chief Executive	Deputy Returning Officer (Democratic Services Manager) or as delegated by the Returning Officer
s.52(3) - To act as Deputy Electoral Registration Officer	Democratic Services Manager	
<b>Local Government Finance Act 1988</b>		
<b>Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s.114 - Duty to report etc.	Director of Resources	Deputy s.151 Officer
s.116 - To notify the Council's Auditor of a Council meeting to be held under s.15 (meeting to consider any report of the DFO under s.114)	Director of Resources	Officer nominated as Deputy s.151 Officer by the s. 151 Officer
<b>Local Government and Housing Act 1989</b>		
<b>Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s.4 - Head of Paid Service	Chief Executive	
s.5 - Monitoring Officer	Head of Legal and Governance	Deputy Monitoring Officer as appointed by the Monitoring Officer
s. 19 and regulations made thereunder - Notices of Members' Interests.	Monitoring Officer	Deputy Monitoring Officer as appointed by the Monitoring Officer
s.2 and s.3 - Preparation and deposit of politically restricted posts and issue of certificate in respect of politically restricted posts	Democratic Services Manager	Deputy Monitoring Officer as appointed by the Monitoring Officer
<b>Party Wall Act 1996</b>		
<b>Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s.10(8) - Appointing Officer	Development Services Manager (Building Control)	Director of People and Place
<b>Public Health Legislation</b>		
<b>Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s. 74 - Public Health (Control of Diseases) Act 1984 and Health Protection <del>Legislation</del> <del>(England) Guidance</del> <del>Regulations</del> 2010	Dr. John Astbury	Grainne Nixon Dr. Nicola Schinaia and other appropriate persons from <a href="#">UK Health Security Agency (UKHSA)</a> <del>Public Health England</del> as notified by the Monitoring Officer
<b>Public Health Act 1936</b>		
s. 84 and 85 - (Cleansing or destruction of filthy or		

verminous premises, clothing and articles)		
<b>Public Health Act 1961</b> s.37 - (Disinfection of verminous articles offered for sale)		
<b>Sections 48, 59 and 61-62 Public Health (Control of Disease) Act 1984; The Health Protection (Notification) Regulations 2010</b>  Regulations 2 (Duty to notify suspected disease, infection of contamination in patients) and 3 and 6 (receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons)		
<b>Legal responsibilities and duties of local authorities in connection with communicable disease control and the protection of public health are derived from the provisions of</b>  The Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008;  Health and Social Care Act 2008;  The Health Protection (Local Authority Powers) Regulations 2010; and  The Health Protection (Part 2A Orders) Regulations 2010 to make notifications and apply controls as required		
<b>Local Government Act 2000 and Regulations made thereunder</b>		
<b>Proper Officer Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
	Monitoring Officer	Deputy Monitoring Officer as appointed by the Monitoring Officer
<b>Freedom of Information Act 2000</b>		
<b>Proper Officer Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
s. 36 the 'qualified person'	Monitoring Officer	Chief Executive (in the

		absence of the Monitoring Officer)
<b>Miscellaneous</b>		
<b>Proper Officer Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
<b>Section 41 Local Government (Miscellaneous Provisions) Act 1976</b> Certifying true copies of minutes	Monitoring Officer	Deputy Monitoring Officer
<b>Section 321(3) Highways Act 1980</b> Certifying copies of approved plans	Director of People and Place	
<b>Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990</b> Lists of protected buildings	Development Services Manager (Planning and Enforcement)	
<b>Section 4 Housing Act 2004</b>	Property Services Manager	
<b>Proper Officer Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
Officers authorised to issue authorisations to carry out directed surveillance or to use covert human intelligence sources under Part II of the <b>Regulations of Investigatory Powers Act 2000</b>	Head of Legal and Governance  Chief Executive (including Juvenile or Vulnerable Persons CHIS or the acquisition of confidential information)  The Director of People and Place is the RIPA Monitoring Officer	Director of Resources
Service of Improvement and Prohibition Notices under the <b>Health and Safety at Work etc. Act 1974</b>	Public Protection Manager and all Environmental Health Officers having satisfied the Council as to their competence.	Such other persons as may be appointed from time to time
Senior Information Risk Officer	Director of Resources	Such other persons as may be appointed from time to time
<b>Regulation of Investigatory Powers Act 2000 Chapter II</b> Designated Person (Access and Disclosure of Communications Data)	Head of Legal and Governance	Such other persons as may be appointed from time to time
<b>The Money Laundering Regulations 2007</b>	Director of Resources	Such other persons as may be appointed from time to time
<b>Anti-Social Behaviour, Crime and Policing Act 2014</b>	Monitoring Officer	Such other persons as may be appointed from time to

<b>Section 104(3)</b> Point of Contact		time
<b>Data Protection</b> – To act as the Council’s designated Data Protection Officer as required by the Data Protection Act 2018, s.69 to undertake the duties set out in Section 71 of the Data Protection Act 2018 and Article 39 of the General Data Protection Regulations (GDPR) EU 2016/679.	Head of Legal and Governance	Such other persons as may be appointed from time to time

