

**PART 3.9**

**DELEGATIONS TO**

**OFFICERS**

## **1 GENERAL DELEGATION**

- 1.1 *Service Heads* may appoint and manage staff, including temporary staff, in posts which have been approved and are budgeted for (or are within assured contract income), except those posts where these matters are reserved for member-level decisions.
- 1.2 Project Managers for capital projects may, in consultation with the appropriate Executive member, approve virements up to £5,000 within the current capital programme, in accordance with Financial Regulations and Contract Standing Orders and provided there is no overall effect on the financing in each year of the current approved programme.
- 1.3 Unless otherwise stated, the officers identified in this document may delegate the powers to other employees who report to them.
- 1.4 Each Director shall have authority to act in the absence of the Chief Executive or any *Service Head* reporting to him/her, subject to Proper Officer requirements.

## **2 URGENT DECISIONS**

- 2.1 Where a matter which would normally be referred to the Executive or a decision-making Panel requires an urgent decision and the Chairman does not consider it appropriate to call an urgent meeting, all the powers and duties of the Committee may be exercised by the Chief Executive or appropriate Director or *Service Head*, in accordance with the procedure set out in General Standing Order 19 or the Urgent Business provisions of the Executive Procedure Rules in Part 4 D (3) of this Constitution.
- 2.2 Under no circumstances shall officers exercise emergency powers of decision in relation to those matters which are reserved to the Council itself.

## **3 SPECIFIC DELEGATIONS**

### **3.2 Chief Executive**

- 3.2.1 To exercise any of the powers of a Strategic Director and *Service Head* in his or her absence, subject to Proper Officer requirements.
- 3.2.2 To hear and determine appeals from staff in accordance with the Council's grievance and disciplinary procedures.
- 3.2.3 To approve expenditure to cover situations in war or peacetime emergencies where other arrangements are impracticable, subject to the requirements of Contract Standing Orders.

### **3.3 Head of Legal and Democratic Services**

- 3.3.1 To serve legal notices and to institute and defend proceedings in relation to matters authorised by the Council, or contained within this document.
- 3.3.2 To engage the services of external solicitors, counsel, and enquiry agents where necessary.
- 3.3.3 To authorise the service of requisitions for information as to interests in land or property where necessary in relation to the exercise of any functions of the Council.

- 3.3.4 Subject to the rights of applicants to be heard before the Taxi and General Licensing Panel, and except in the case of those applications specifically reserved to the Licensing Panel, to determine applications for hackney carriage driver and vehicles licences (and to determine applications for the renewal of licences for hackney carriage vehicles where the licence has failed to be renewed in accordance with the policy relating to the restriction on the number of hackney carriage vehicles) private hire driver, vehicle and operator licences, public entertainment licences, theatre licences, cinema licences, street collection permits, house to house collection permits, gaming permits, bingo permits, registration as a lottery, amusements with prizes permits, and registration as a doorman;
- 3.3.5 To make observations, on behalf of the Council, in respect of applications made to the Licensing Justices;
- ~~3.3.6 On the direction of the Head of Regeneration, to convey houses and lease flats under Right to Buy legislation.~~
- 3.3.7 To sign discharges on behalf of the Council signifying repayment of a mortgage or discount.
- 3.3.8 To give effect to the statutory assistance for private owners of designated houses in accordance with Part XVI of the Housing Act 1985.
- 3.3.9 (i) To make on behalf of the Council, following consultation with the Head of Regeneration, provisional Tree Preservation Orders under Section 201 of the Town and Country Planning Act 1990 in respect of any trees in the Council's area.
- (ii) Where no objections are received within the statutory period of service of a Tree Preservation Order made under Section 198 or Section 201 of the Town and Country Planning Act 1990, to confirm the orders as unopposed; ~~such action to be reported for information to a subsequent meeting of the Executive.~~

#### **3.4 Head of Finance and Business Development**

- 3.4.1 To open and operate accounts with the Council's bankers including signing cheques and authorising other cheque signatories.
- 3.4.2 To invest and borrow funds in accordance with the Council's appropriate resolution, including by way of overdraft, bank loan, Public Works Loans Board loan or other institutional loan arrangements.
- 3.4.3 To negotiate the Council's insurance premiums with the Council's insurers.
- 3.4.4 To vary the rate of interest for loans for house purchase and improvement.
- ~~3.4.5 To write off debts due to the Council not exceeding the limit specified in Financial Regulations.~~
- 3.4.6 To adjust any financial limits in this document Financial Regulations and Contract Standing Orders at the commencement of each municipal year in line with the index of retail prices.
- ~~3.4.7 To exercise the powers of the Council, including the institution of legal proceedings and all steps necessary to prosecute and enforce judgements, in relation to:~~
- ~~(i) the assessment of rateable values of properties;~~

~~(ii) the demand, collection, recovery and refund of rates;~~

~~(iii) the assessment of applications, charitable reliefs and remission of rates on grounds of poverty and hardship;~~

(iv) the rating of individual empty properties;

(v) to exercise the powers of the Council under the provisions of the General Rate Act 1967.

3.4.8 ~~To exercise the powers of the Council (the charging authority) including the institution of legal proceedings and all steps necessary to prosecute them and enforce judgements in relation to:-~~

(i) the billing/demand, collection, recovery and refund of community charges and community charge penalties;

(ii) the assessment of applications for the reliefs, remissions or exemptions of community charges and/or community charge penalties on such grounds as are provided for in the Local Government Finance Act 1988 or any Regulations made in consequence of that Act or any other Act which impinges on the billing/demand, collection, recovery and refund of community charges and/or community charge penalties.

3.4.9 ~~To exercise the powers of the Council (the charging authority) including the institution of legal proceedings and all steps necessary to prosecute them and enforce judgements in relation to:~~

~~(i) the assessment of rateable values of properties;~~

~~(ii) the billing/demand, collection, recovery and refund, including the determination of interest payable, of national non-domestic rates;~~

~~(iii) the assessment of applications for charitable reliefs and remissions on the grounds of hardship.~~

3.4.10 ~~To exercise the powers of the Council (the Billing Authority) including the institution of legal proceedings and all steps necessary to prosecute and enforce judgements in respect of:-~~

~~(i) the billing/demand, collection, recovery and refund of Council Tax and any Council Tax penalties;~~

~~(ii) the determination of reliefs, discounts and exemptions on such grounds as are provided for in the Local Government Finance Act 1992 (as amended).~~

3.4.12 ~~To appoint professional bailiffs to execute distress warrants for non-payment of rates and notices of distress for non-payment of Community Charge, National Non-Domestic Rate, and Council Tax.~~

3.4.13 ~~To pay all accounts, salaries and wages.~~

3.4.14 ~~To write off irrecoverable debts in categories determined from time to time by the Executive.~~

In consultation with the relevant Executive member:

3.4.15 To deal with all ~~Community Charge~~, Council Tax General Rates and NNDR administration matters including collection recovery and implementation of discretionary relief.

~~3.4.16 To deal with all matters relating to the collection of monies due to the Council and payment of monies by the Council including the writing off of irrecoverable debts, in accordance with limits set out in Financial Regulations.~~

~~3.4.17 To deal with all matters relating to the administration of payroll, wages and salaries and other exchequer matters.~~

3.4.18 Administration of Treasury Management in accordance with policies and procedures and working arrangements determined by the Executive.

3.4.19 Administration of the Council's insurances in accordance with policies and procedures and working arrangements determined by the Executive.

3.10.1 To take action as client officer for the measured term contract for public buildings, reactive repairs to public buildings, minor works and planned maintenance.

3.10.2 To approve leasehold and freehold land and property acquisitions for approved schemes, leasehold and freehold disposals of land and property and easements in accordance with Contract Standing Orders.

3.10.2a In consultation with the appropriate Service Head, to approve wayleaves, licences and landlords' consents.

3.10.3 To approve rent reviews in relation to Council land and property (other than Housing Revenue Account houses and garages).

3.10.4 To manage the Council's total capital programme, within the policies and guidelines and overall resources set by Council, in accordance with Financial Regulations and Contract Standing Orders

3.10.5 Identifying the maintenance requirements for all land and property (~~except Housing Revenue Account~~) determining priorities and monitoring performance.

3.10.6 To be responsible for implementing the operational maintenance programme in respect of land and property in accordance with policy and resources allocated by the Council.

## **Head of Customer Services**

3.4.20 To deal with all ~~Community Charge~~, Council Tax Benefits and NNDR administration matters including collection recovery and implementation of discretionary relief.

3.4.21 To appoint professional bailiffs to execute distress warrants for non payment of rates and notices of distress for non-payment of National Non-Domestic Rate, and Council Tax.

3.4.22 To exercise the powers of the Council in respect of rents and sundry debts.

3.4.5 To write off debts due to the Council not exceeding the limit specified in Financial Regulations.

3.4.9 To exercise the powers of the Council (the charging authority) including the institution of legal proceedings and all steps necessary to prosecute them and enforce judgements in relation to:

- (i) the assessment of rateable values of properties;
- (ii) the billing/demand, collection, recovery and refund, including the determination of interest payable, of national non-domestic rates;
- (iii) the assessment of applications for charitable reliefs and remissions on the grounds of hardship.

3.4.10 To exercise the powers of the Council (the Billing Authority) including the institution of legal proceedings and all steps necessary to prosecute and enforce judgements in respect of:-

- (i) the billing/demand, collection, recovery and refund of Council Tax and any Council Tax penalties;
- (ii) the determination of reliefs, discounts and exemptions on such grounds as are provided for in the Local Government Finance Act 1992 (as amended).

3.4.14 To write off irrecoverable debts in categories determined from time to time by the Executive.

In consultation with the relevant Executive member:

3.4.16 To deal with all matters relating to the collection of monies due to the Council and payment of monies by the Council including the writing off of irrecoverable debts, in accordance with limits set out in Financial Regulations.

### **3.5 Head of Policy and Performance**

- 3.5.1 To approve, in consultation with the appropriate Service Head, individual Terms and Conditions of employment in accordance with National and Local agreements and with the Council's approved Personnel policies and procedures.
- 3.5.2 To approve attendance at training courses.
- 3.5.3 To consult and negotiate with employees and recognised trade unions on behalf of the Council, in consultation with the Chief Executive, Directors and Service Heads, on all matters concerning pay and conditions of employment for employees.
- 3.5.3a Implementation of the Council's Health and Safety Policy.
- 3.5.4 To approve, in consultation with the Executive where appropriate, Council publications, including press releases, and the giving of live and recorded interviews by officers in accordance with the Council's approved Corporate Image and Media Relations Procedure.
- 3 To pay all salaries and wages.
- 3.4.17 To deal with all matters relating to the administration of payroll, wages and salaries and other exchequer matters, *in consultation with the Head of Finance and Business Development*.

### **3.6 Head of Regeneration**

In consultation with the relevant Executive member:

- 3.6.1 Implementation of policies for employment and economic development.
- 3.6.2 The implementation of a programme to meet identified land and property needs.
- 3.6.3 Implementation of policies for promotion and marketing of the Borough as a location for new investment, business tourism and leisure tourism.
- 3.6.4 Implementation of policies for assisting and encouraging the development of new businesses including cooperative and community enterprise and joint partnership initiatives and providing and promoting accommodation for businesses.
- 3.6.5 Implementation of policies for assisting existing business expand and create and conserve jobs.
- 3.6.6 Implementation of policies for equipping unemployed and disadvantaged with skills necessary to compete in the labour market, the support of job creation/placement initiatives.
- 3.6.7 Implementation of policies for the promotion of equality of access to job opportunities by all sections of the community.
- 3.6.8 Implementation of policies for Urban and rural area regeneration.

- 3.6.9 Implementation of policies for supporting environmental improvements in areas important to economic regeneration, including derelict land reclamation.
- 3.6.10 Giving appropriate grants financial or other assistance where appropriate to agencies and bodies creating or assisting the creation of employment in the Borough.
- 3.6.11 Operation of the Tourist Information Centres.
- 3.6.12 The promotion and marketing of tourism in accordance with Council policies.
- 3.6.13 To deal with dangerous structures under relevant legislation including Service of Notice, implementation of works in default and legal proceedings.
- 3.6.14 Receive and process notifications of intended demolitions including the service of Notices requiring adherence to appropriate conditions, and including proceedings in respect of breaches of Notices served.
- 3.6.15 To take such action as is necessary under the Building Act to serve notice and make safe ruinous and dilapidated buildings. This includes legal proceedings in respect of breaches of notices served.
- ~~3.6.4 Providing no objections have been received within a period of 21 days from the date of notification of planning applications, and providing no Member asks for the application to be referred to the Planning Panel for decision, to determine planning applications in the categories approved from time to time by Council.~~
- 3.6.5 To make determinations under town and country planning legislation as to whether planning permission is required.
- ~~3.6.6 To submit comments to the Lake District National Park Authority on applications which would otherwise be outside the 28 day consultation period, and on those applications which the Authority has delegated to its officers, provided that no Member asks for the application to be referred to the Planning Panel for decision.~~
- ~~3.6.7 To determine applications to lop, top, or carry out other minor works to trees subject to a Tree Preservation Order or within a Conservation Area.~~
- 3.6.16 To determine applications under the Building Regulations, with the exception of relaxations and to enforce the regulations as necessary.
- 3.6.17 To consider and submit for Planning Panel approval, street naming and the naming or numbering of buildings.
- 3.6.18 To determine applications for Certificates of Lawfulness of existing or proposed use or development under Sections 191 and 192 of the Town and Country Planning Act 1990.
- 3.6.19 To serve Planning Contravention Notices in respect of suspected breaches of planning control.
- 3.6.20 In consultation with the Head of Legal and Democratic Services, to agree heads of terms for planning obligations and Agreements under Section 106 of the Town and Country Planning Act 1990.

3.6.21 In consultation with the Head of Legal and Democratic Services to agree representation at public inquiries and planning appeals.

3.6.22 In the absence of the Head of Regeneration the signatory for statutory notices, approval notices and other documents will be ~~the Manager of Development Services Manager~~

~~Team Leader, Building Control, nos 1, 2, 8, 9~~

~~Team Leader, Development Control, nos 3, 4, 5, 6, 7, 15, 16, 25~~

~~Principal Environmental Health Officer 3, 10, 11, 12, 13, 14~~ ◀

3.6.20 *To authorise under the Council's powers (whether in its own right or as agents for another authority) relating to planning and development, or buildings, highways, street and public health:-*

(i) *the issue and service of such notices, certificates and documents as is deemed appropriate to the circumstances; and*

(ii) *appropriate action (including legal proceedings other than in the High Court) in respect of complaints and offences.*

3.6.21 To exercise the functions of the Council under Part VIII of the Housing Grants Construction and Regeneration Act 1996 in respect of improvement grants and implementation in Council policy in respect of Renewal Areas, *and of the Housing Act 1985 in respect of the private sector housing.*

3.6.22 To authorise the determination of hardship cases where improvement grant applicants have proved to be in receipt of housing benefit and or income support.

3.6.22 To maintain the register of scrap metal dealers and to determine applications for such registration.

3.6.23 To authorise the service of requisitions for information as to interests in land or property where necessary in relation to the exercise of any functions of the Council.

3.6.24 To exercise the following functions in connection with Development Control Scheme:

A. To determine applications in the following categories:-

- (a) "Household" developments e.g. extensions; LPG tanks, satellite dishes etc.
- (b) Minor operations e.g. erection of walls and fences; construction of vehicular accesses
- (c) Change of use
- (d) Temporary building and uses e.g. pigeon lofts; stables; garages etc.
- (e) Agricultural building operations
- (f) Minor residential development viz not more than 5 dwellings or on land not exceeding 0.4 ha (1 acre) where such development is in accordance with Local Plan policies
- (g) Minor commercial development viz buildings not exceeding 465m<sup>2</sup> (5000ft<sup>2</sup>) or on land not exceeding 0.4ha (1 acre) where such development is in accordance with Local Plan policies
- (h) Reserved matters viz following the grant of outline planning permission
- (i) Advertisement
- (j) Notice of intention to carry out development in relation to agriculture and telecommunications

- (k) Overhead power lines
- (l) Listed building consent
- (m) Conservation area consent
- (n) Temporary buildings/structures and renewals of temporary planning permissions within the Sellafield site

- B. To determine applications submitted under section 65 of the Town and Country Planning Act 1990 (whether planning permission is necessary).
- C. To submit comments to the Lake District National Park Authority on applications which would otherwise be outside the 28 days consultation period, and on those applications which the Authority has delegated to its officers for determination.
- D. To determine applications to fell, lop, top carry out other minor works to trees subject to Tree Preservation Order or within a Conservation Area.
- E. To approve or disapprove any of the following matters when reserved, or made the subject of conditions in planning consent:-
  - (a) materials to be used externally on buildings
  - (b) landscaping and tree planting proposals and tree replacements
  - (c) minor alterations in the siting of development
  - (d) minor modifications to plans or previously approved material
  - (e) provision of vehicular access
  - (f) construction of finish of boundary walls and fences
  - (g) construction to finish of parking areas
- F. To make orders for stopping – up and diversion of footpaths and bridleways in accordance with the granting of planning permission under the provisions of section 257 of the Town and Country Planning Act 1990

Applications to be referred to the Planning Panel for determination in the following circumstances:-

- (i) where a Member asks for the application to be referred to the Panel for decision. Such a request should be made to the Head of Regeneration, in writing, within 21 days of the publication of the weekly list of applications received. Any such request may also be withdrawn, in writing, by the Member at any time prior to the publication of the agenda in which the proposal is included.
- (ii) where there is an unresolved objection from any source received within a period of 21 days from the date of notification of the application (other than (a) where written objections have been received solely on grounds which are not material to determination of planning applications; or (b) where written objections have been received based on material planning considerations but where such considerations are not deemed to warrant refusal of the application having due regard to relevant policies of the extant development plan and all other material planning considerations.)
- (iii) ALL applications relating to proposed developments which are departures from national planning policy guidelines and/or Council's

adopted Local Plan Policies will be referred to the panel for determination.

- (iv) *ALL applications recommended for refusal will be placed before the Panel for decision.*
- (v) Where the Officers are of the view that the application or matter should be referred to the panel for determination.

3.9.1 To act as Client Officer for contracts let for building maintenance.

3.9.2 Implementation of the Authority's statutory homelessness functions under Part VII of the Housing Act 1996.

3.9.3 *Entering into leases and agreements in connection with the Private Sector Leasing Scheme.*

~~3.9.4 Responding to petitions addressed to officers and concerned with housing management matters.~~

~~3.9.5 Selection of tenants for, and letting of, Council dwellings, garages and ancillary buildings on Council housing estates.~~

~~3.9.6 Nomination of prospective tenants to housing associations and to other authorities through nomination arrangements or reciprocal agreements.~~

~~3.9.7 Management, repair and maintenance of the Council's housing estates and dwellings and enforcement of the tenancy conditions and the collection of rents.~~

~~3.9.8 Action to secure possession of dwellings including authorisation of Notices of Seeking Possession and Notices to Quit.~~

~~3.9.10 To approve minor alterations to Council properties in accordance with Council policy.~~

~~3.9.11 To deal with all benefit administration matters.~~

~~3.9.9 Authority to sign notices of rent variations and notices in respect of unfit properties and closing orders.~~

In consultation with the relevant Executive member:

3.9.12 To implement procedures for making grants for the repair improvement and conversion and adaptation of houses, houses in multiple occupation, and flats.

~~3.9.13 To implement procedures for dealing with applications for change of landlord under Part IV of the Housing Act 1988, or subsequent legislation.~~

~~3.9.14 To implement procedures on all matters relating to the Housing Investment Programme.~~

~~3.9.15 To recommend to Council the disposal of land or property no longer needed for housing purposes in accordance with Contract Standing Orders.~~

- 3.9 To implement procedures on all matters relating to the Housing Strategy, Housing Capital Programme and the ~~Support~~ Supporting People regime.
- 3.9.16 To implement procedures on the provisions of the Housing Act 1985 relating to defective housing.
- 3.9.17 To implement procedure on acquisitions of dwellings and land for dwellings.
- ~~3.9.18 To implement procedures on the repurchase of former Council dwellings.~~
- ~~3.9.19 To implement procedures on applications for adaptations to Council dwellings occupied by persons with disabilities.~~
- ~~3.9.20 To implement procedures for such discretionary reimbursement of former tenants improvements as is allowed by statute.~~
- 3.9.21 To manage and administer the contract for a Careline service.
- ~~3.10.1 To take action as client officer for the measured term contract for public buildings, reactive repairs to public buildings, minor works and planned maintenance.~~
- ~~3.10.2.1.1.1 To approve leasehold and freehold land and property acquisitions for approved schemes, leasehold and freehold disposals of land and property and easements in accordance with Contract Standing Orders.~~
- ~~3.10.2a In consultation with the appropriate Service Head, to approve wayleaves, licences and landlords' consents.~~
- ~~3.10.3 To approve rent reviews in relation to Council land and property (other than Housing Revenue Account houses and garages).~~
- ~~In consultation with the relevant Executive member: \_\_\_\_\_~~
- ~~3.10.4 To manage the Council's total capital programme, within the policies and guidelines and overall resources set by Council, in accordance with Financial Regulations and Contract Standing Orders~~
- ~~3.10.5 Identifying the maintenance requirements for all land and property (except Housing Revenue Account) determining priorities and monitoring performance.~~
- ~~3.10.6 To be responsible for implementing the operational maintenance programme in respect of land and property in accordance with policy and resources allocated by the Council.~~

### **3.11 Head of Leisure & Environmental Services**

- 3.11.1 To agree charges at which the unit's services are provided to the Council or other bodies in accordance with agreed business plans.
- 3.11.2 To submit tenders or estimates for work to be carried out by the unit.

In consultation with the relevant Executive member:

- 3.11.3 To monitor performance of contracts.
- 3.11.4 To determine applications for professional side-shows and amusements in public spaces and enter into agreements for the adoption of amenity areas. To issue notices etc and initiate appropriate action (other than in the High Court) in respect of complaints and offences about public spaces
- 3.11.5 To take action in relation to breaches of licensing requirements, including instituting proceedings or suspending or revoking licences under relevant legislation in respect of the licences referred to in paragraph 3.3.4 hereof.
- 3.11.6 To submit tenders for contracts for outside organisations in accordance with Council policy
- 3.11.7 To manage the car parking responsibilities of the Council with respect to serving requisitions for information in relation to breaches of car parking regulations, to institute enforcement action and determine excess charge notice appeals. To carry out duties in connection with abandoned vehicle notices under Section 13(5) of the Refuse Disposal Amenity Act 1978 and arrange for the disposal of abandoned vehicles.
- 3.11.8 To manage duties with respect to Section 2 of the Parish Council's and Burial; Authorities (Miscellaneous Provisions) Act 1970 in connection with exclusive rights of burial and the arrangement for burial or cremation where no other arrangements can be made and for applications for reduced charges.
- 3.12.1 To agree charges at which the unit's services are provided to the Council or other bodies in accordance with agreed business plans.

~~3.12.2 To submit tenders or estimates for work to be carried out by the unit.~~

~~In consultation with the relevant Executive member:-~~

~~3.12.3 To monitor performance of contracts.~~

~~3.12.4 Operation of tourist facilities, including the TICs and the Beacon.~~

~~3.12.5 To submit tenders for contracts for outside organisations in accordance with Council policy~~

~~3.6.13 To take action as necessary to ensure the provision and maintenance of public amenities, and the promotion and marketing of tourism, in accordance with Council policies.~~

3.6.10 To take action under the Public Health Acts, Environmental Protection Acts, Environment Act, Water Industry Act, Clean Air Act, the Prevention of Damage by Pests Act, the Caravan Sites and Control of Development Act and other legislation relating to:-

- drainage
- statutory nuisances
- noise nuisance
- public drinking water quality
- dog control

pest control  
air quality  
contaminated land  
caravan and camping sites

This includes inspection of premises, issue of notices as required and institution of legal proceedings.

3.6.11 In accordance with various statutes maintain a Public Register of environmental information available for public inspection during normal office hours.

3.6.12 In accordance with Part 1 (Schedule B) of the 1990 Environmental Protection Act receive and process applications regarding 'authorised processes'. This includes inspection of premises, service of Notices and if necessary institution of legal proceedings.

3.6.13 To take action under the Food Safety Act, the Health and Safety at Work etc Act, the Public Health (Control of Disease) Act and associated legislation relating to:-  
food safety and food premises  
health and safety at work  
infectious disease control  
private drinking water quality

This includes inspection of premises, issue of Notices and institution of legal proceedings if necessary.

3.6.14 Receive and process applications in respect of applications for :-  
riding establishments  
zoos  
dangerous wild animals  
dog breeding establishments  
animal boarding establishments  
milk dairies and ice cream  
ear/body piercing and tattooists  
pet shops

This includes inspection of premises issue of licences with conditions and if necessary institution of legal proceedings.

3.6.20 To authorise under the Council's powers (whether in its own right or as agents for another authority) relating to highways, streets and public health:-

- (i) the issue and service of such notices, certificates and documents as is deemed appropriate to the circumstances; and
- (ii) appropriate action (including legal proceedings other than in the High Court) in respect of complaints and offences.

3.6.19 In the absence of the Head of Leisure and Environment the signatory for statutory notices, approval notices and other documents will be:-

~~Manager, Environmental Health Manager Services~~ 3, 10, 11, 12, 13, 14

## APPOINTMENT OF PROPER OFFICERS

"Proper Officer" is the term used in legislation where it is intended that functions shall be the responsibility of a particular officer of the Council.

The following are the Proper Officers of the Council under the enactments shown below. The alternative Proper Officer is authorised to act when the Proper Officer is absent or otherwise unable to act.

| Function   | Proper Officer  | Alternative Proper Officer            |
|--|-----------------|---------------------------------------|
| <b><u>Local Government Act 1972</u></b>  |                 |                                       |
| Section 13(3) – the officer to act as a parish trustee in parishes having no parish council.   | Chief Executive | Head of Legal and Democratic Services |
| Section 83(1) to (4) - the officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office.                                     | Chief Executive | Head of Legal and Democratic Services |
| Section 84 - the officer to whom written notice of resignation of elected office shall be delivered  | Chief Executive | Head of Legal and Democratic Services |
| Section 88(2) - the officer by whom a meeting of the Council for the election of the vacant office of Mayor may be convened  | Chief Executive | Head of Legal and Democratic Services |
| Section 89(1)(b) - the officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough | Chief Executive | Head of Legal and Democratic Services |

|  |   |  |
|--|---|--|
| Section 115(2) - the officer who shall receive all money due from every officer employed by the Council  | Head of Finance and Business Management | Accountancy Services Manager           |
| Section 146 - the officer who shall in the case of the Council changing its name, make a statutory declaration specifying the securities standing in the books of various companies in the name of the Council and verifying the change and identity of the Council  | Head of Finance and Business Management | Accountancy Services Manager           |
| Section 151 - the officer who shall have responsibility for the proper administration of the Council's financial affairs   | Head of Finance and Business Management | Accountancy Services Manager           |
| Section 210 (6) and (7) – the officer who shall exercise the charity functions of office holders with a predecessor authority where there is no equivalent office holder in the successor authority  | Chief Executive                         | Head of Legal and Democratic Services  |
| Section 212(1) - Local Registrar for Land Charges  | Head of Legal and Democratic Services   | Elections & Emergency Planning Manager |
| Section 225(1) - the officer with whom a document of any description is deposited pursuant to the standing orders of either House of Parliament or to any enactment or instrument, and who shall receive and retain documents in the manner and for the purposes directed by the standing orders or enactments or instrument, and shall make notes or endorsements on, and give such acknowledgements and receipts, in respect of, the documents as may be so directed | Head of Legal and Democratic Services   | Legal Services Manager                 |
| Section 229(5) - the officer who shall certify a photographic copy of a document in the custody of the Council or of a document which has been destroyed or in the custody of the Council, or of any part of   | Head of Legal and Democratic Services   | Legal Services Manager                 |

such document

Section 234 - the officer who may, except as otherwise provided, sign on behalf of the Council any notice, or order or other document which the Council is authorised or required to give make or issue, by or under any enactment (including any enactment in the Local Government Act 1972)

Head of Legal and  
Democratic Services

Legal  
Services Manager

Section 234 - the officer authorised to sign forms of notice to give effect to planning applications

Manager,  
Development Services

Section 236 (9) and (10) – the officer who shall send copies of byelaws to parish councils and the proper officers of the County Council.

Head of Legal and  
Democratic Services

Legal  
Services Manager

Section 238 - the officer who shall certify a printed copy of a byelaw of the Council

Head of Legal and  
Democratic Services

Principal Solicitor

Schedule 12 paragraph 4 (2) (6) - the officer who shall sign summonses to attend meetings of the Council

Chief Executive

Head of Legal and  
Democratic Services

Section 248 – the officer who shall keep a role of freemen

Head of Legal and  
Democratic Services

Democratic Services  
Manger

Schedule 12 Paragraph 4(3) - the officer to whom a member of the Council shall give notice in writing requesting summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence

Head of Legal and  
Democratic Services

Democratic Services  
Manager

Schedule 14 Paragraph 25(7) - the officer who shall certify a resolution of the Council under this paragraph (resolutions applying or disapplying provisions of the Public Health Acts 1875-1961)

Head of Legal and  
Democratic Services

Legal Services Manager

Section 100 B(2) - the officer who shall determine the withholding of

Head of Legal and  
Democratic Services

Democratic  
Services Manager

reports from public inspection on the basis of the existence of exempt information

Section 100 B (7) (C) – the officer who shall supply information to the press

Head of Legal and Democratic Services

Democratic Services Manager

Section 100C(2) – the officer who shall supply information to the press

Head of Legal and Democratic Services

Democratic Services Manager

Section 100C(2) – the officer who shall supply summaries of proceedings of meetings considering reports containing exempt information

Head of Legal and Democratic Services

Democratic Services Manager

Section 100(F) (2) – the officer who Shall determine the withholding of exempt information from Members

Chief Executive

Head of Legal and Democratic Services

#### Other Acts

Section 8 Representation of the People Act 1983 - The Registration Officer for the purpose of the registration of electors

Chief Executive

Head of Legal and Democratic Services

Section 35 Representation of the People Act 1983 – the Returning Officer at an election of Copeland Borough Councillors

Chief Executive

Head of Legal and Democratic Services

Section 41 Local Government (Miscellaneous Provisions) Act 1976 the officer to certify true copies of resolutions in Minutes of proceedings etc

Head of Legal and Democratic Services

Democratic Services Manager

Section 30, Local Government act, 1974 – the Officer who shall give public advice of receipt of reports of the Local Commissioner.

Head of Legal and Democratic Services

Legal Services Manager

Section 4, Local Government and Housing act 1989 – the officer designated as the Head of the Paid Service

Chief Executive

None

Section 5, Local Government and Housing Act 1989 – the officer designated as the Monitoring Officer

Head of Legal and Democratic Services

Legal Services Manager

|   |  |                                  |
|---|--|----------------------------------|
| Section 15, Local Government and Housing Act 1989 – the officer who shall give and receive notices of constitution of wishes of political groups  | Head of Legal and Democratic Services      | Democratic Services Manager      |
| Sections 28 and 29, Regulation of Investigatory Powers Act, 2000 – the officer who shall maintain and keep under review a register of authorisations  | Head of Legal and Democratic Services      | Legal Services Manager           |
| Section 38, Local Government Finance Act 1992 - the officer who shall give notice of the amounts of Council Tax set   | Head of Finance and Business Development   |                                  |
| The Local Authority (Stocks and Bonds) Regulations 1974 – the officer who shall act as registrar for maintenance of the loans register and signing of certificates.   | Head of Finance and Business Development   |                                  |
| Section 606 Housing Act 1985 - the submission of official representations and reports to the Council on unfit houses  | Head of Regeneration                       |                                  |
| Section 321(3) Highways Act 1980 - the officer who shall certify copies of the approved documents   | Head of Leisure and Environmental Services | Street Scene Manager             |
| Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990 - the officer with whom shall be deposited lists of protected buildings   | Manager Development Services               |                                  |
| Housing Grants Construction and Regeneration Act 1996 (not under seal) relating to financial assistance towards work of improvements, repair and conversion and in particular improvement, intermediate, special, and repairs, grants | Head of Regeneration                       |                                  |
| Section 5 Food Safety Act 1990 – the officer who shall institute proceedings  | Environmental Health Manager               | Team Leader Food & Health Safety |
| Section 19 Health & Safety Etc Act 1974 – the officer who shall Institute proceedings   | Environmental Health Manager               | Team Leader Food & Health Safety |

The Proper Officer in relation to any reference in any enactment passed before 1 April 1974 (other than the Local Government Act 1972) relating to:-

The Clerk of a Council or the Town Clerk of a Borough

Chief Executive

Head of Legal and Democratic Services

**Copeland Borough Council Constitution - Parts 4B 4D and 4E**

Head of Legal and Democratic Services

Democratic Services Manager