

| ~~01-October Draft – November/December~~ 2015

| **2.EXECUTIVE FUNCTIONS**

## ~~1.~~ 2. EXECUTIVE FUNCTIONS

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### Executive

1. To have full powers to make decisions within the remit of the Council's Executive.
2. Functions relating to scrap metal dealers under the Scrap Metal Dealers Act 2013 shall be delegated to a Sub Committee of the Executive consisting of any 3 Executive Members (a minimum of 2 Members must attend) for the hearing of representations and the determination of applications for a licence of a scrap metal dealer, under the Scrap Metal Dealers Act 2013, where the Head of ~~Governance, Law & Regulation~~~~Service for People, Law & Regulation~~ proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about that proposal.

### Leader

1. From the Appointments Council in May 2011 the Leader of the Council may determine to exercise any of the "executive" functions of the Council personally, or may arrange for the exercise of any of the Council's "executive" functions by:
  - (i) the Executive; or
  - (ii) by another member of the Executive; or
  - (iii) by a committee of the Executive; or
  - (iv) by an officer of the Council

### Executive Members

1. Individual Executive Members may make decisions provided they clearly relate to functions falling within their portfolio and; in case of doubt the Leader will determine which Member will deal with the issue. This would not exclude consultation with other Executive Members by the Executive Member making the decision.  
[Appendix- Exec Portfolios](#)
2. They are not 'key decisions'
3. They are not decisions, which the Constitution or the Leader has determined should be made by the Full Executive.
4. They have not been delegated to an Officer to make. This does not preclude consultation between the relevant Executive Member and Officer about a proposed decision or the possibility of wider discussion with the Leader and other Executive Members for example if the proposed decision is thought to have particularly significant

	implications.
5.	No decision can be taken unless and until the Executive Member has been provided with, and has considered, a written report from the relevant Officer of the Council considering all the relevant issues including legal and financial implications as would be the case with a report to the full Executive.
6.	The decision may be taken in the presence of the report author or other appropriate representative of the Service Unit concerned and must be taken in the presence of a member of staff from the Democracy Team. However the decision could also be taken without the presence of Officers, including but not exclusively by electronic means, but under the supervision of a member of staff from the Democracy Team. None of these arrangements will constitute a “meeting” and will not involve attendance of press and public
<b>EXECUTIVE MEMBER FOR RESOURCES AND PERFORMANCE MANAGEMENT</b>	
1.	To determine Discretionary Relief Appeals for the following reliefs; <ul style="list-style-type: none"> <li>• Charity/Not for profit discretionary</li> <li>• Hardship</li> <li>• Discretionary Localism</li> <li>• Part Occupied</li> </ul>

## Chief Executive

1.	The Chief Executive, Director of Resources, Directors and Heads of Service shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council's Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office.
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council's Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees.
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1,000 subject to budgetary restrictions.
6.	To deal with urgent items of business which cannot reasonably await the next meeting of the Executive and, Scrutiny Committees after consultation with the relevant Executive Member(s) or Chair i.e. Chair of relevant Scrutiny Committee.
7.	To deal with urgent items of business which cannot reasonably await the next meeting of the Executive and Scrutiny Committee in the absence of the relevant Executive Member(s) or Chair i.e. Chair of Scrutiny Committee.
8.	Where the Leader and Executive Members are not in office, to deal with urgent items of business falling within the remit of the Executive.
9.	Where the Leader and Executive Members are not in office, to undertake the role of consultee for all items within the Constitution, which require consultation with the Leader or Executive Members.
10.	To carry out Emergency Planning functions as defined in the Council's Emergency Plan
11.	The Chief Executive, Directors, Head of Governance, Law & Regulation, Head of Finance & Property Management, <del>Head of Revenues and Benefits</del> , Head of

	Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.
12.	To allow Directors and the Chief Executive, in consultation with the Executive Portfolio Members and the Head of Finance, to amend fees and charges periodically in their own area on the basis that overall income in their portfolio income remains the same or increases.
13.	To make minor amendments to personnel policies which do not affect staff terms and conditions, and to make other amendments to those policies in consultation with the Executive Member for Resources.
<del>14.</del>	<del>To approve new personnel policies which do not affect staff terms and conditions and which are not key decisions, in consultation with Group Leaders and the Executive Member for Resources and Performance Management</del>

**Comment [VA5]:** Without this power non-significant personnel policies necessitate a full report to Council or the Executive

## **Head of Regeneration and Planning Policy**

1.	The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council’s Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council’s Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees.
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To manage their individual Service Unit Budgets in accordance with the Council’s Financial rules.
7.	Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee
8.	To deal with applications under the Council’s Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.
9.	To approve the submission of bids for Regeneration and Planning Policy resources following consultation with the appropriate Executive member and where insufficient time is available for consultation with the Executive in accordance with the bid timetable. Any action taken to be subject to a report back to the next appropriate meeting of the Executive.

10.	After consultation with the Chief Executive , to deal with and determine applications for all other grant assistance of £40, 000 or less
11.	Delegation to the Head of Governance, Law & Regulation/ Head of Housing & Development Control/Head of Regeneration & Planning Policy / <del>Head of Chief Executive's Office</del> / Head of Streetscene and Head of Green Spaces & Amenities to appoint any appropriate qualified Officer of their Service Units as an authorised Officer where any enactment requires a function of the Council or a matter ancillary to it be discharged by an authorised Officer, and to authorise where appropriate such an Officer to seek any warrant to enter or inspect premises in connection therewith
<u>Grant procedures</u>	
12.	To deal with grant applications of a value up to and including £5,000.
13.	To deal with grant applications for a value of above £5,000 and less than £10,000 in consultation with the Chief Executive.
14.	To deal with grant applications to the value of £10,000 or more in consultation with the Chief Executive and the Executive Member. All grant offers of a value of £10,000 or more to be signed by the Director of Resources or other delegated financial responsible person together with the Executive Member.
15.	<b>POLICY AND ENVIRONMENT</b>  To make any alterations required to the Local Development Scheme, Local Development Framework and Local Development Documents following negotiations during the Examination in public period.
16.	Responsibility for ensuring the Borough has an up to date Local Development Scheme and Local Development Framework
17.	To ensure that the Local Development Scheme Annual Monitoring Report is adopted every year
18.	The Wildlife and Countryside Act 1981 - In so far as Burnley Borough Council is the enforcing authority as detailed in Part I of the Act
19.	<b>TOWN CENTRE (From 170914)</b>  To approve applications for 'Car Boot/Table Top Sales where the sole purpose is to fundraise for non- commercial gain.
20.	To determine applications for 'Car boot' operating licences and to set fees relating to such activities, in consultation with the Executive Member and the Chief Executive.

21.	To obtain premises licenses under the Licensing Act 2003 on an annual basis in order to enable street entertainment to be carried out in the premises detailed below and to authorise other parties wishing to carry out such regulated entertainment activities at any of the premises in Burnley as detailed below:- Standish Street, Barnes Street, Parker Street, Standish Street Public Car Park, The Mall, Fleet Walk, Howe Walk, Chancery Walk, Market Square, Charter Walk Car Park, Curzon Street, St James Street.
22.	To grant licences for use of designated pitches on St James Street and Curzon Street with a determined level of fees set that are reviewed annually and where multiple lettings are obtained, to allow a multiple use incentive to be applied in order to secure additional income to the Council.



23.	<p><b>MARKETS</b></p> <p>To offer and approve new leases for varying periods of time ranging from three months up to three years with only leases granted above 12 months in term being granted with Landlord and Tenant Act protection.</p>
24.	To deal with additions to the user clause of the leases for the Market Hall Stalls.
25.	To deal with the introduction of co-terminus leases where felt commercially justifiable by the <del>Head of Regeneration and Planning Policy</del> <del>Head of Facilities Management</del> .
26.	To deal with transfers between leaseholders of units within the Market Hall, and in doing so be concurrent with the period of the original lease, but only where the Council's financial position is not worsened through this transaction.
27.	To approve assignments, including those before three years of lease has been served, where felt commercially justifiable.
28.	To determine on each occasion whether advance rents or bonds or bank references are required in order to obtain a balance between risk of non- payment of rent against the need to generate future rents of vacant units.
29.	To be authorised to sign Section 25 notices (Tenancy renewal notices).
30.	To consider favourably, requests for multiple occupation of units by one leaseholder whether by Virtue of existing Tenants seeking to expand to a maximum of 6 units; or new Tenants/Assignees who wish to contract for up to 6 units. Both to be subject to satisfactory financial references.
31.	To deal with referrals to the Executive or Executive Member for responsibility for Markets for individual decision approval of any request that may exceed 6 units in total to one individual leaseholder.
32.	To agree incentives for new tenants with new products not represented in the Market Hall, and to agree incentives for existing tenants to expand their representation in the Market Hall, with such level of incentive approved in consultation with the Executive Member with responsibility for Markets and the Chief Executive and Director of Resources to be in the commercial interests of the Council to do so.
33.	To invest in upgrading units in the Market Hall within an approved budget subject to such costs being covered by first year's rental income obtained.
34.	To initiate action for recovery of arrears and where such action is subject to court direction, to agree extended repayment arrangements and where not adhered to, to instruct further actions for recovery as deemed fit relative to the likelihood of recovery of arrears.

35.	In consultation with the Executive Member for Resources and Chief Executive to adjust fees and charges in relation to the Markets service from time to time to reflect current trading conditions and the overall position of the market.
<b><u>Director of Resources</u></b>	
1.	<p>The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to:</p> <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council's Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council's Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees.
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To deal with the administration of the financial affairs of the Council in accordance with the Constitution and Financial rules approved by the Council from time to time.
7.	To establish budgets for external funding where there is no effect on the Council's budget in consultation with the Executive Member for Resources.
8.	To submit bids for external funding where there is no requirement for funding from the Council up to a maximum of £20,000 in consultation with the Executive Member for Resources.

9.	To be authorized to pay rating consultant fees where the saving covers the cost, subject to reporting to the next available Executive to confirm the supplementary estimate and actions taken.								
10.	To deal with urgent items of business, in relation to matters which are within their current areas of responsibility, which cannot reasonably await the next meeting of the Council, the Executive, Scrutiny and Regulatory Committees after consultation with the relevant Executive member(s) or Chair								
11.	In relation to any matter which does not fall within the area of responsibility of one Member of the Management Team, to be authorised to deal with that item following consultation with the relevant Executive member(s) and the other relevant Directors								
12.	The Chief Executive, Directors, Head of Governance, Law & Regulation, Head of Finance & Property Management, <del>Head of Revenues and Benefits</del> , Head of Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.								
13.	<p>Delegated authority in relation to write off of irrecoverable debts as follows, <u>in accordance with the Policy for Write-off of Irrecoverable Debts</u>,</p> <p>:</p> <table border="0"> <tr> <td style="padding-right: 20px;">Category One</td> <td><del>Team Leaders specifically designated by the Head of Revenues &amp; Benefits</del> <u>Liberata</u></td> </tr> <tr> <td>Category Two</td> <td><del>Head of Revenues &amp; Benefits</del> <u>Director of Resources</u></td> </tr> <tr> <td><del>Category Three</del></td> <td><del>Director of Resources</del></td> </tr> <tr> <td>Category <del>Four</del> <u>Three</u></td> <td>Director of Resources in consultation with the Executive Member for Resources and the Chair of the Scrutiny -Committee</td> </tr> </table> <p><del>Note; Categories are defined by the Debt Write Off Policy</del></p>	Category One	<del>Team Leaders specifically designated by the Head of Revenues &amp; Benefits</del> <u>Liberata</u>	Category Two	<del>Head of Revenues &amp; Benefits</del> <u>Director of Resources</u>	<del>Category Three</del>	<del>Director of Resources</del>	Category <del>Four</del> <u>Three</u>	Director of Resources in consultation with the Executive Member for Resources and the Chair of the Scrutiny -Committee
Category One	<del>Team Leaders specifically designated by the Head of Revenues &amp; Benefits</del> <u>Liberata</u>								
Category Two	<del>Head of Revenues &amp; Benefits</del> <u>Director of Resources</u>								
<del>Category Three</del>	<del>Director of Resources</del>								
Category <del>Four</del> <u>Three</u>	Director of Resources in consultation with the Executive Member for Resources and the Chair of the Scrutiny -Committee								
14.	To allow Directors and the Chief Executive, in consultation with the Executive Portfolio Members and the Head of Finance & Property Management, to amend fees and charges periodically in their own area on the basis that overall income in their portfolio income remains the same or increases.								

**Comment [VA6]:** The Head of Revenues and Benefit position is being transferred to Liberata. It is appropriate to redesignate this power to an officer of the Council.

15.	To take operational Treasury Management decisions consistent with the Council's Treasury Management Strategy and Policy Statement.
16.	<p>To determine Discretionary Relief Applications for the following reliefs;</p> <ul style="list-style-type: none"> <li>• Charity/Not for profit discretionary</li> <li>• Hardship</li> <li>• Discretionary Localism</li> <li>• Part Occupied</li> </ul>
<del>17.</del>	<p><del>To make all decisions (strategic, operational or otherwise) in relation to the agreements entered into with the Council's Strategic Services Delivery Partners limited to the delegated limits set out in the Financial Procedure Rules.</del></p>
<del>18.</del>	<p><del>Power to authorise officers:</del></p> <p><del>(a) under Section 223 of the Local Government Act 1972 and Section 60 of the County Courts Act 1984, to appear on behalf of the Council in proceedings before the Magistrates' Courts and the County Courts; and</del></p> <p><del>(b) to issue and serve Statutory Demands under the Insolvency Act 1986.</del></p> <p><del>This power to be used for the purposes of recovering Council Tax, National Non Domestic Rates, Housing Benefit overpayments and/or sundry debts and to levy distress</del></p>
<del>19.</del>	<p><del>Power to authorise contractors to undertake functions pursuant to, The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996</del></p>
<del>20.</del>	<p><del>To determine applications for:</del></p> <ol style="list-style-type: none"> <li><del>1. reductions in the level of Council Tax under s13a Local Government Finance Act 1992</del></li> <li><del>2. discretionary housing payments</del></li> <li><del>3. exceptional hardship payments for Council Tax Support</del></li> </ol>

**Comment [VA7]:** This power needs to be afforded to the Director of Resources to allow the day to day management of the Strategic Partnership Agreements with Liberata, Urbaser and the Leisure Trust

**Comment [VA8]:** The Head of Revenues and Benefit position is being transferred to Liberata. It is appropriate to redesignate this power to appropriate officers of the Council (Director of Resources, Head of Governance , Law & Regulation, and Senior Solicitor)

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**Comment [VA9]:** This is required as the power under paragraph 18 (a) (above) is limited to Council officers only. We need some of the powers to extend to Liberata staff to allow them to undertake their day to day enforcement duties. The Director of Resources, Head of Governance , Law & Regulation, and Senior Solicitor will authorise relevant Liberata staff.

**Comment [VA10]:** The Head of Revenues and Benefit position is being transferred to Liberata. It is appropriate to redesignate this power to the appropriate officer of the Council

<u>21.</u>	<u>The establishment and deletion of NJC graded posts within the Council's establishment wherever this can be achieved within the existing budget provision.</u>
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## Head of Governance, Law & Regulation

1.	The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council's Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council's Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees.
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To manage their individual Service Unit Budgets in accordance with the Council's financial rules.
7.	Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee.
8.	To deal with applications under the Council's Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.
9.	The Chief Executive, Directors, Head of Governance, Law & Regulation, Head of Finance & Property Management, <del>Head of Revenues and Benefits</del> , Head of Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.
10.	To be the Senior Responsible Officer in relation to the Regulation of Investigatory Powers Act 2000 ("RIPA") and, in particular, to be responsible for:

	(i) the integrity of the Council's procedures under RIPA relating to the authorisation of directed surveillance or the use of a covert human intelligence source; (ii) Ensuring compliance with RIPA and any relevant Codes of Practice; (iii) Engaging with Commissioners and Inspectors of the Office of Surveillance Commissioners; and (iv) Overseeing the implementation of any post-inspection action plans recommended or approved by any such Commissioner.
11.	To deal with all other insurance matters in accordance with Financial rules.
12.	To deal with urgent items of business which cannot reasonably await the next meeting of the Executive after consultation with the relevant Executive Member(s).
13.	To deal with appeals at the first stage of the Pensions Disputes Resolution Procedure..
14.	To make applications to the Home Secretary for consent to make Orders under the Public Order Act 1986 upon such terms as the Head of Governance, Law & Regulation considers appropriate having regard to any application of the Chief Constable and in consultation with the Leader and Emergency Planning Officer or his Deputy if unavailable and consideration of any provision of the Human Rights Act 1998 and any other legislative or legal provision the Head of Governance, Law & Regulation deems appropriate. The authorisation includes the making of any appropriate Orders following the receipt of any consent of the Home Secretary.
15.	To be the Council's Proper Officer for the maintenance of a list of politically restricted posts.
16.	To confirm unopposed compulsory purchase orders which are referred to the Council for confirmation by the Department for Communities and Local Government
17.	
17.	To agree the terms of an indemnity agreement required by any external partner for any grant funding in connection with their financial role including Accountable Body in consultation with the Director of Resources (provided that the subject matter of the indemnity has previously been given Council approval
<u>The Determination of an appeal against any decision made by or on behalf of the Authority</u>	
18.	To institute and defend and to be responsible for the conduct of any proceedings in any civil or criminal court of public inquiry or tribunal on behalf of and in the name of the Council..
19.	To discontinue any proceedings brought by the Council and to compromise any claim or appeal made by or against the Council arising out of or in the course of or in

	contemplation of legal proceedings.
20.	To determine if and to what extent ex-gratia payments should in any particular case be made by the Council.
21.	To issue instructions to Head of Services in respect of the manner and the extent to which they may in any particular case exercise or generally continue to exercise the matters delegated to them elsewhere in this Scheme of Delegation including the service of notices or the institution of proceedings
22.	To make, issue or serve any statutory or other notice or order or to give any consent on behalf of the Council or to lodge any objection to another body where the Council is entitled to object to a matter to be determined by the other body, particularly in cases of urgency and notwithstanding any delegation (elsewhere in this Scheme of Delegation) to another Officer or Committee.
23.	Delegation to the Head of Governance, Law & Regulation/ Head of Housing & Development Control/Head of Regeneration & Planning Policy / <del>Head of Chief Executive's Office</del> / Head of Streetscene and Head of Green Spaces & Amenities to appoint any appropriate qualified Officer of their Service Units as an authorised Officer where any enactment requires a function of the Council or a matter ancillary to it be discharged by an authorised Officer, and to authorise where appropriate such an Officer to seek any warrant to enter or inspect premises in connection therewith.
24.	To be designated as the Data Protection Officer and Information Governance Manager.
25.	<p><b>ENVIRONMENTAL HEALTH &amp; LICENSING</b></p> <p>To be the authorised officer in respect of the following legislation or any regulations made thereunder and to appoint officers to undertake, where appropriate, the duties vested in the Authority by the legislation or any regulations made thereunder. To institute proceedings, keep public registers, issue notices and determine applications for licences, approvals, registrations and consents in respect of the following legislation or any regulations made thereunder.</p> <p><u>Local acts</u></p> <ul style="list-style-type: none"> <li>• The County of Lancashire Act 1984 – In so far as Burnley BC is the enforcing authority as detailed in Part IV of the Act</li> </ul>
26.	<p>Environmental Protection:</p> <ul style="list-style-type: none"> <li>• The Clean Air Act 1993 – The delegation extends to the whole of the Act</li> <li>• The Noise and Statutory Nuisance Act 1993 –following the passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area the delegation extends to the whole of the act</li> <li>• The Noise Act 1996 – The whole Act</li> <li>• The Environmental Protection Act 1990 - In so far as Burnley Borough</li> </ul>



	<p>Council is the enforcing authority as detailed in Part I, II, IIa, III, IV, VIII and IX of the Act</p> <ul style="list-style-type: none"> <li>• The Clean Neighbourhoods &amp; Environment Act 2005 Parts 7 &amp; 9</li> <li>• The Contaminated Land (England) Regs 2006</li> <li>• The Control of Pollution Act 1974 - In so far as Burnley Borough Council is the enforcing authority as detailed in Part III of the Act</li> <li>• The Water Act 1989 - In so far as Burnley Borough Council is the enforcing authority as detailed in Part II Chapter 2 of the Act</li> <li>• The Water Industry Act 1991 - In so far as Burnley Borough Council is the enforcing authority as detailed in Part IV of the Act</li> <li>• The Antisocial Behaviour Act 2003</li> <li>• Parts IV and V of the Environment Act 1995</li> <li>• Environmental Protection Act 1990</li> <li>• Pollution Prevention &amp; Control Act 1999</li> </ul>
27.	<p>Food Safety / infectious disease</p> <ul style="list-style-type: none"> <li>• The Food and Environmental Protection Act 1985 – As authorised by the Minister under Section 3</li> <li>• The Food Safety Act 1990</li> <li>• The European Communities Act 1972 in so far as it relates to Food Safety, and any associated Orders or Regulations</li> <li>• The Public Health (Control of Disease) Act 1984 – The whole Act</li> <li>• To issue notices on behalf of Burnley Borough Council under regulation 9 and schedules 3 and 4 of the Public Health (Infectious Disease) Regulations 1988</li> <li>• Health and Social Care Act 2008</li> </ul>
28.	<p>Animal Welfare:</p> <ul style="list-style-type: none"> <li>• The Animal Boarding Establishments Act 1963 – The whole Act</li> <li>• The Riding Establishments Acts 1964 and 1970 - The whole Act</li> <li>• The Breeding of Dogs Acts 1973 &amp; 1991</li> <li>• The Breeding and Sale of Dogs (Welfare) Act 1999</li> <li>• The Pet Animals Act 1951</li> <li>• The Zoo Licensing Act 1981</li> <li>• The Zoo Licensing Act 1981 (Amendment) (England &amp; Wales) Regs 2002</li> <li>• The Animal Welfare Act 2006</li> <li>• Dangerous Wild Animals Act 1976</li> </ul>
29.	<p>Health &amp; Safety at Work</p> <ul style="list-style-type: none"> <li>• The Health &amp; Safety at Work etc Act 1974 &amp; associated Regulations</li> <li>• The Environment Act 1995 - In so far as Burnley Borough Council is the</li> </ul>

	<p>enforcing authority as detailed in Parts I and II of the Act</p> <ul style="list-style-type: none"> <li>• Cooling Towers &amp; Evaporative Condensers (Regulations) 1992</li> <li>• Sunbeds (Regulation) Act 2010</li> </ul>
30.	<p>Licensing</p> <ul style="list-style-type: none"> <li>• Licensing Act 2003</li> <li>• Gambling Act 2006</li> <li>• Town &amp; Police Clauses Act 1847</li> <li>• Local Government (Miscellaneous Provisions) Act 1976 Part II</li> <li>• Local Government (Miscellaneous Provisions) Act 1982 s 2,8,7 and 12</li> <li>• Vehicle (crime) Act 2001</li> <li>• Criminal Justice and Police Act 2001</li> <li>• House to House collections Act 1939. Sect. 2</li> <li>• Scrap Metal Dealers Act 2013</li> </ul>
31.	<p>Miscellaneous</p> <ul style="list-style-type: none"> <li>• The Sunday Trading Act 1994 – Duty to enforce the Act contained at Schedule 2</li> <li>• The Public Health Act 1936 – The whole Act</li> <li>• The Building Act 1984 – In so far as Burnley Borough Council is the enforcing authority as detailed in Parts 1.11, III and IV</li> <li>• The Prevention of Damage by Pests Act 1949 – The whole Act</li> <li>• The Public Health Act 1961 - In so far as Burnley Borough Council is the enforcing authority as detailed in Part I of the Act</li> <li>• <del>The National Assistance Act 1948 – To make applications under section 47 of the Act</del></li> <li>• The Local Government (Miscellaneous Provisions) Act 1982 – Part VIII, Section 3 and Schedule 4 part XI</li> <li>• The Regulatory Reform (Fire Safety Order 2000) Article 45 duty to consult enforcing Authority</li> <li>• Sustainable and Secure Buildings Act 2004 Section 7</li> <li>• Health Act 2006</li> </ul>
32.	<p>To appoint</p> <p><del>a) Public Health England as Proper Officers for the purposes of The Public Health (Control of Disease) Act 1984 and regulations made thereunder; and</del></p> <p><del>b) Medical Practitioners as Proper Officers for the purposes of the National Assistance Act 1948.</del></p>
33.	<p>To undertake the following functions in relation to the Scrap Metal Dealers Act 2013</p>

**Comment [VA11]:** Replaced by LCC function

**Comment [VA12]:** Replaced by LCC function

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	<ul style="list-style-type: none"><li>• To determine applications for site and collectors licences where no representations have been made</li><li>• To determine applications for variation of site and collectors licences where no representations have been made</li></ul>
34.	To execute all documents necessary to give effect to Executive decisions.

35.	Allocation of Seating in the Council Chamber - To determine the seating arrangements in the Council Chamber for all Council meetings where agreement has not been reached.
36.	Use of Burnley Town Hall - To determine applications for use in accordance with Council policy
37.	Borough Coat of Arms - To determine applications for use in accordance with Council policy.
38.	Attendance of Members at Unscheduled Meetings, Conferences, Seminars, Training Courses etc. - After consultation with the Executive, or all Group Leaders in an emergency, to determine in any particular case:- <ul style="list-style-type: none"> <li>➤ Whether attendance is desirable;</li> <li>➤ Who the representative(s) shall be;</li> </ul>
39.	Replacement of Mayor's Car - In consultation with the Executive member to deal with the replacement of the Mayor's car
40..	Corporate Hospitality Budget - To control the Corporate Hospitality budget in consultation with the Executive member.
41.	Authority to deal with invitations for the appointment of the Deputy Mayor/Mayor elect each year in accordance with the Council's normal policy and report the outcome at a future meeting of the Council.
42.	To make minor amendments to the list of appointments to outside bodies, in consultation with Group Leaders.
43.	To make any subsequent adjustment of Executive qualifications for Outside Bodies in line with Executive portfolios specified by the Leader.
44.	To make any in year appointments to Committees and Working Groups according to the political balance calculation, in consultation with relevant Group Leaders, <u>to the extent not precluded by law.</u>
<u>45.</u>	<u>Appointed as the Council's Monitoring Officer with authority to make minor amendments to the Council's constitution.</u>
<u>46</u>	<u>Power to authorise officers:</u>  <u>(a) under Section 223 of the Local Government Act 1972 and Section 60 of the County Courts Act 1984, to appear on behalf of the Council in proceedings before the Magistrates' Courts and the County Courts; and</u>

**Comment [VA13]:** This is not a new power. This has just been moved up to tidy up the lay-out (see VA16 below)

	<p><u>(b) to issue and serve Statutory Demands under the Insolvency Act 1986.</u></p> <p><u>This power to be used for the purposes of recovering Council Tax, National Non Domestic Rates, Housing Benefit overpayments and/or sundry debts and to levy distress</u></p>
47.	<p><u>Power to authorise contractors to undertake functions pursuant to The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996</u></p>

**Comment [VA14]:** The Head of Revenues and Benefit position is being transferred to Liberata. It is appropriate to redesignate this power to appropriate officers of the Council (Director of Resources, Head of Governance , Law & Regulation, and Senior Solicitor)

**Comment [VA15]:** This is required as the power under paragraph 18 (a) (above) is limited to Council officers only. We need some of the powers to extend to Liberata staff to allow them to undertake their day to day enforcement duties. The Director of Resources, Head of Governance , Law & Regulation, and Senior Solicitor will authorise relevant Liberata staff.

**Comment [VA16]:** Moved to 45 (above)

<p><b><u>Head of Governance, Law &amp; Regulation &amp; Law-Monitoring Officer</u></b></p>	
<p><del>Authority to make minor amendments to the Council's constitution.</del></p>	

	<p><b><u>Senior Solicitor</u></b></p>
1.	<p><u>Power to authorise officers:</u></p> <p><u>(a) under Section 223 of the Local Government Act 1972 and Section 60 of the County Courts Act 1984, to appear on behalf of the Council in proceedings before the Magistrates' Courts and the County Courts; and</u></p> <p><u>(b) to issue and serve Statutory Demands under the Insolvency Act 1986.</u></p> <p><u>This power to be used for the purposes of recovering Council Tax, National Non Domestic Rates, Housing Benefit overpayments and/or sundry debts and to levy distress</u></p>
2.	<p><u>Power to authorise contractors to undertake functions pursuant to The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996</u></p>

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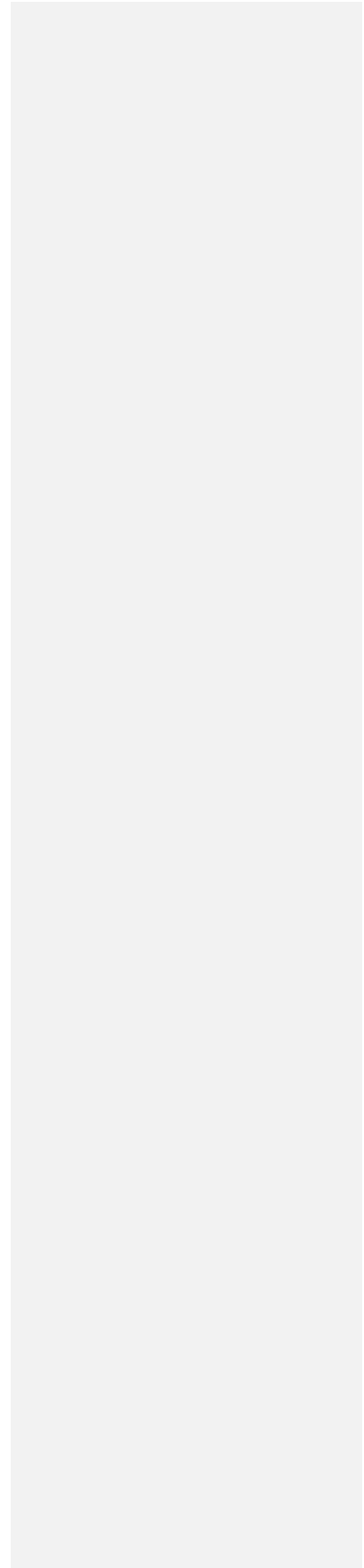
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**Comment [VA17]:** The Head of Revenues and Benefit position is being transferred to Liberata. It is appropriate to redesignate this power to appropriate officers of the Council (Director of Resources, Head of Governance , Law & Regulation, and Senior Solicitor)

**Comment [VA18]:** This is required as the power under paragraph 18 (a) (above) is limited to Council officers only. We need some of the powers to extend to Liberata staff to allow them to undertake their day to day enforcement duties. The Director of Resources, Head of Governance , Law & Regulation, and Senior Solicitor will authorise relevant Liberata staff.

| ~~01-October Draft – November/December~~ 2015



## Head of People & Development

1.	The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council's Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council's Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees.
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To manage their individual Service Unit Budgets in accordance with the Council's financial rules.
7.	Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee.
8.	To deal with applications under the Council's Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.
9.-	To agree the release of Frozen Pension Benefits on Compassionate Grounds in consultation with the <del>Executive Member and the Director of Resources.</del> <u>Director of Resources</u>
10.	To approve temporary cover for increased workloads, and sickness for a period of up to 6 months and maternity leave for the duration of the leave, where budget

**Comment [VA19]:** The release of this benefit is decided against a set of agreed criteria in the statements of pensions policy.

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	provision exists.
11.	To agree requests for secondments <del>both</del> internally within the Council <del>and -or</del> to or from external organisations <u>in consultation with the relevant Head of Service</u> <del>in consultation with the Director of Resources</del> , unless this relates to a Chief Officer when consultation will be <u>required to be undertaken</u> with the <u>relevant</u> Executive Member(s) and the:- <ul style="list-style-type: none"> <li>• <u>Director of Resources for secondments relating to Heads of Service</u></li> <li>• <u>Chief Executive for secondments relating to Directors</u></li> </ul>
12.	To approve the extension of sick pay at the rate of half-pay for up to 3 months where budget provision exists.
13.	To agree or otherwise the availability of <del>comparable</del> <u>suitable alternative</u> employment, when dealing with medical retirements.
14.	To agree new occupational health arrangements, including the provision of a suitably qualified Occupational Health Physician, in consultation with the <del>Executive member and the Head of Finance &amp; Property Management.</del> <u>Director of Resources as long as it is within the existing budget provision.</u>
15.	To implement any changes in the interest rate for the Assisted Car Purchase Scheme, <del>in consultation with the Executive Member.</del>
16.	To authorise all honoraria payments, in consultation with the relevant Head of Service or Director.
17.	To make decisions on the acceleration of increments within grades in consultation with the <del>appropriate Director and the</del> Director of Resources.
18.	Agree the regrading and redesignation of posts in consultation with the Director of Resources where this can be achieved within existing budget provision.

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**Comment [VA20]:** The Council's contracts stipulate "suitable alternative" employment instead of "comparable". It would make it clearer if the constitution was consistent with the terms of employment.

**Comment [VA21]:** The Council has no ability to change the interest rate



## Head of Finance & Property Management

1.	The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council’s Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office.
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council’s Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees.
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To manage their individual Service Unit Budgets in accordance with the Council’s Financial rules.
7.	Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee
8.	To deal with applications under the Council’s Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.
9.	The Chief Executive, Directors, Head of Governance, Law & Regulation, Head of Finance & Property Management, <del>Head of Revenues and Benefits</del> , and Head of Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.
10.	To deal with insurance matters relating to fidelity guarantee and cash in transit in accordance with Financial rules

11.	<p><del>PROPERTY – ASSET MANAGEMENT</del></p> <p><del>Authority to implement the outcomes of the Curzon Street Development Group</del></p>	<p><b>Formatted:</b> No bullets or numbering</p>										
12.	<p><del>PROPERTY – ASSET MANAGEMENT</del></p> <p><del>To deal with the urgent industrial and commercial development matters (involving the acquisition or disposal of property) after consultation with the under-mentioned Executive members and Officers:</del></p> <table border="1" data-bbox="146 680 1174 835"> <tr> <td><del>Executive Member</del></td> <td><del>Officers</del></td> </tr> <tr> <td><del>Regeneration and Economic Development</del></td> <td><del>Director of Resources</del></td> </tr> <tr> <td><del>Resources and Performance Management</del></td> <td><del>Head of Reg&amp;Plan Pol</del></td> </tr> <tr> <td><del>Community Services</del></td> <td><del>Head of Hsg&amp;Dev Con</del></td> </tr> <tr> <td><del>Housing and Environment</del></td> <td></td> </tr> </table>	<del>Executive Member</del>	<del>Officers</del>	<del>Regeneration and Economic Development</del>	<del>Director of Resources</del>	<del>Resources and Performance Management</del>	<del>Head of Reg&amp;Plan Pol</del>	<del>Community Services</del>	<del>Head of Hsg&amp;Dev Con</del>	<del>Housing and Environment</del>		<p><b>Comment [VA22]:</b> This power is obsolete</p> <p><b>Formatted:</b> Tab stops: 0 cm, Left</p> <p><b>Formatted:</b> No bullets or numbering</p>
<del>Executive Member</del>	<del>Officers</del>											
<del>Regeneration and Economic Development</del>	<del>Director of Resources</del>											
<del>Resources and Performance Management</del>	<del>Head of Reg&amp;Plan Pol</del>											
<del>Community Services</del>	<del>Head of Hsg&amp;Dev Con</del>											
<del>Housing and Environment</del>												
13.	<p><del>To negotiate and settle terms in respect of the acquisition, sale or lease of property, and the granting of licences, wayleaves and easement etc. in accordance with the property transactions delegations detailed below</del></p>	<p><b>Comment [VA23]:</b> Adequately covered under delegated powers 17 and 19 below and the Property Disposals Frameworks</p> <p><b>Formatted:</b> Indent: Left: 0.09 cm, Hanging: 2.54 cm, Tab stops: -0.07 cm, Left + 2.54 cm, Left</p> <p><b>Formatted:</b> No bullets or numbering</p>										
14.	<p><del>To deal with applications in respect of the sale of Miscellaneous domestic garden/garage sites, subject to paragraphs 22 &amp;24 below</del></p>	<p><b>Comment [VA24]:</b> Unnecessary in view of 15 and 16 below</p> <p><b>Formatted:</b> No bullets or numbering</p>										
15-11.	<p><del>To agree terms for the acquisition of empty homes under Part II of the and disposal of properties using Housing Act 1985 and the General Housing Consents 2012 Powers 1985 and the subsequent disposal of these homes in consultation with the Executive Member for Resources and Property Management as detailed in consultation with the Executive Member for Resources and Performance Management and in accordance with the current the Disposal Policy for Empty Homes. Policy</del></p>	<p><b>Comment [VA25]:</b> Updtaed to reflect current statutes and policies</p>										
16-12.	<p>To acquire properties by agreement ahead of the making of Compulsory Purchase Orders in consultation with the Leader of the Council.</p>											
17-13.	<p>PROPERTY TRANSACTIONS-ASSET MANAGEMENT</p> <p>Acquisitions by the Council - Where the Executive is being asked to consider the acquisition of an interest in property, the Head of Finance &amp; Property Management shall submit an estimate of the likely costs involved and other relevant considerations. After the decision to proceed is taken, the Head of Finance &amp; Property Management shall have authority to negotiate and settle terms provided that the total cost does not exceed the approved estimate. Where the total cost exceeds the estimate by 10% or less, the Head of Finance &amp; Property Management shall have power to settle terms after consultation with the relevant Executive member(s) and the Director of Resources.</p>											
18-14.	<p>Disposals by the Council - In cases where the Executive is considering a sale of its</p>											

	interest in property, the Head of Finance & Property Management shall submit an estimate of the market value and any other relevant considerations. Provided the price is within 10% of the estimate and other terms agreed are substantially in accordance with the details previously reported, the Head of Finance & Property Management shall have the authority to authorise the disposal without further reference to the Executive	
19.15.	The Head of Finance & Property Management will have delegated power <del>on behalf of the Council</del> to take or grant new leases, licenses or other arrangements <del>for a period</del> of less than seven years <del>(provided that the rent reserved is that available in the open market and the valuation of the property proposed for disposal has not been undertaken by the Head of Finance &amp; Property Management)</del> with annual rental value of £25,000 subject to an annual report to the Director of Resources and Executive Member for Resources and Performance Management	<b>Comment [VA26]:</b> Caveating this delegated power as it is too far reaching at present
20.16.	Where the Executive has given authority for negotiations to be entered into for the <del>taking or granting</del> of a lease, license, wayleave, easement or other interest in land or where the land or premises <del>or interest</del> have been previously let or licensed by the Council, the Head of Finance & Property Management <del>shall in consultation with the is</del> Head of Governance, Law & Regulation <del>be</del> authorised to: <ul style="list-style-type: none"> <li>➤ negotiate and agree terms for the grant or renewal of a lease, license, wayleave or other interest, and deal with the operation of rent review clauses, subject to an <del>quarterly annual</del> report to the <del>Executive Director of Resources and Executive Member for Resources and Performance Management</del> on transactions completed.</li> <li>➤ deal with all requests to assign, sub-let, transfer, change the use of, alter and improve, or vary the terms of a lease <del>following consultation, where appropriate, with the Head of Governance, Law &amp; Regulation</del></li> <li>➤ <del>provided that the rent reserved is that available in the open market and the valuation of the property proposed for disposal has not been undertaken by the Head of Finance &amp; Property Management</del></li> </ul>	<b>Comment [VA27]:</b> Reports are done annually  <b>Formatted:</b> Indent: Left: 2.54 cm, No bullets or numbering <b>Formatted:</b> No bullets or numbering <b>Comment [VA28]:</b> Caveating this delegated power as it is too far reaching at present <b>Formatted:</b> No bullets or numbering
21.	<del>The above provisions will also apply to those instances where the Council is proposing to take an interest in property from another party (or has already entered into occupation of such interest).</del>	<b>Formatted:</b> No bullets or numbering
22.17.	To agree the disposal of land <del>and property</del> up to a maximum value of £ <del>1025,000</del> provided <del>the disposals is</del> undertaken in accordance with the approved property disposals framework <del>subject to and that</del> the valuation of the land <del>proposed for disposal has</del> not being undertaken by the Head of Finance & Property Management.	<b>Formatted:</b> Indent: Left: 0.13 cm, Tab stops: Not at -0.07 cm + 0 cm + 2.54 cm <b>Comment [VA29]:</b> Limit proposed to be increased
23.18.	Accepting the transfer of land as part of Public Open Space proposals	
24.19.	The disposal of land <del>and property</del> up to a maximum value of £ <del>2550,000</del> in consultation with the Executive Member <del>for Resources and Performance Management provided the</del>	<b>Comment [VA30]:</b> Limit proposed to be increased

	<del>disposal is undertaken in accordance with the approved property disposals framework and subject to</del> the valuation of the land proposed for disposal <del>has not being been</del> undertaken by the Head of Finance & Property Management
25-20.	In consultation with the Director of Resources, <del>to bid at auction for and contract to buy in the case of</del> properties <del>offered for sale by auction and</del> included in approved Council acquisition programmes, <del>to bid for and contract to buy, on behalf of the Council, such properties</del> up to a price of £ <del>6</del> 100,000 each.
21.	To determine Discretionary Relief Appeals for the following reliefs; <ul style="list-style-type: none"> <li>• <u>Retail</u></li> <li>• <u>Re-occupation</u></li> <li>• <u>New Build</u></li> <li>• <u>Local Transitional</u></li> </ul>

**Comment [VA31]:** Limit proposed to be increased

**Comment [VA32]:** The Head of Revenues and Benefit/Team Leaders position is being transferred to Liberata. It is appropriate to redesignate this power to an officer of the Council.

	<b><u>Principal Accountant</u></b>
	To determine Discretionary Relief Applications for the following reliefs; <ul style="list-style-type: none"> <li>• <u>Retail</u></li> <li>• <u>Re-occupation</u></li> <li>• <u>New Build</u></li> <li>• <u>Local Transitional</u></li> </ul>

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**Comment [VA33]:** The Head of Revenues and Benefit/Team Leaders position is being transferred to Liberata. It is appropriate to redesignate this power to an officer of the Council.

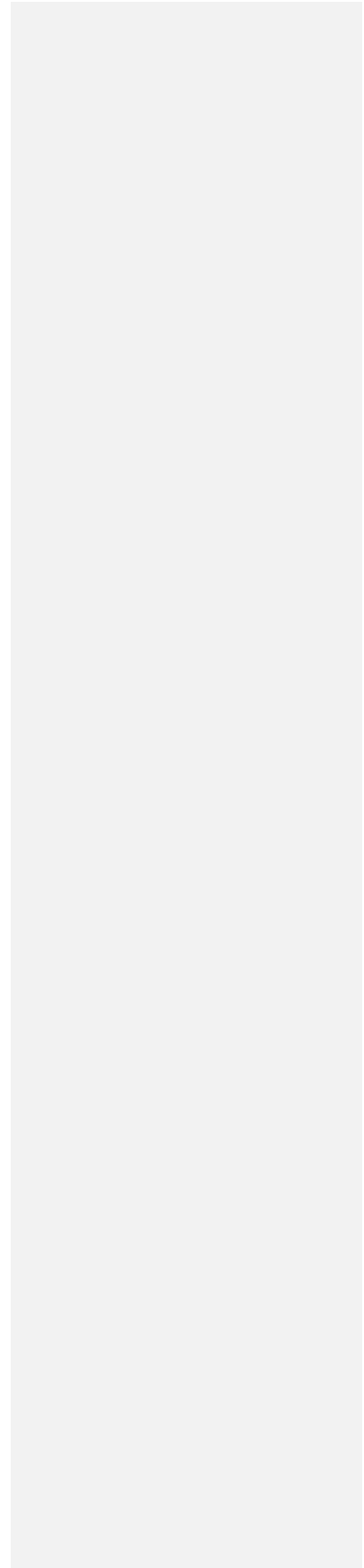
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<b><u>Property Services Manager</u></b>	
1.	PROPERTY To be the Responsible Person for the Council's Legionella Policy
2.	To be the Responsible Officer for construction design management for the Council, compliance with fire regulations in Council buildings, maintenance of the asbestos register and asbestos management plan for Council buildings, and for the Council's emergency out of hours call out services.

<b><u><del>Building Services Manager</del> Principal Development Surveyor</u></b>	
1.	PROPERTY-FACILITIES MANAGEMENT To be the Deputy Responsible Person for the Council's Legionella Policy

**Comment [VA34]:** This post is being outsourced to Liberata. Therefore the function needs to be delegated to a retained employee.

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## Head of Revenues & Benefits

**Comment [VA35]:** This service is being outsourced to Liberata. Powers have been appropriately transferred to other officers.

1.	<p><del>The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to:</del></p> <ul style="list-style-type: none"> <li><del>➤ the appointment and management of contractors, consultants, etc;</del></li> <li><del>➤ the purchase of goods and services; and</del></li> <li><del>➤ the recruitment, discipline and dismissal of employees</del></li> <li><del>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council's Standing Orders, Financial Procedure rules and Policy framework.</del></li> </ul>
2.	<p><del>Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office.</del></p>
3.	<p><del>An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.</del></p>
4.	<p><del>Any power delegated to an Officer must be exercised in accordance with the law, the Council's Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees</del></p>
5.	<p><del>All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.</del></p>
6.	<p><del>To manage their individual Service Unit Budgets in accordance with the Council's Financial rules.</del></p>
7.	<p><del>Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee</del></p>
8.	<p><del>To deal with applications under the Council's Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.</del></p>
9.	<p><del>The Chief Executive, Directors, Head of Governance, Law &amp; Regulation, Head of Finance and Property Management, Head of Revenues and Benefits, Head of Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.</del></p>
10.	<p><del>Power to authorise officers:</del>  <del>(a) under Section 223 of the Local Government Act 1972 and Section 60 of the County Courts Act 1984, to appear on behalf of the Council in proceedings before the</del></p>

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~~Magistrates' Courts and the County Courts; and  
(b) to issue and serve Statutory Demands under the Insolvency Act 1986.  
This power to be used for the purposes of recovering Council Tax, National Non  
Domestic Rates, Housing Benefit overpayments and/or sundry debts and to levy distress.~~

11. ~~Delegated authority in relation to write off of irrecoverable debts as follows:~~

<del>Category One</del>	<del>Team Leaders specifically designated by the Head of Revenues &amp; Benefits</del>
<del>Category Two</del>	<del>Head of Revenues &amp; Benefits</del>
<del>Category Three</del>	<del>Director of Resources</del>
<del>Category Four</del>	<del>Director of Resources in consultation with the Executive Member and the Chair of the Scrutiny Committee</del>

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12. ~~To determine applications for:~~

- ~~1. reductions in the level of Council Tax under s13a Local Government Finance Act 1992~~
- ~~2. discretionary housing payments~~
- ~~3. exceptional hardship payments for Council Tax Support~~

13. ~~To determine Discretionary Relief Appeals for the following reliefs;~~

- ~~• Retail~~
- ~~• Re-occupation~~
- ~~• New Build~~
  - ~~• Local Transitional~~

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**Revenues Manager**

1. ~~To determine Discretionary Relief Applications for the following reliefs;~~

- ~~• Retail~~
- ~~• Re-occupation~~
- ~~• New Build~~
  - ~~• Local Transitional~~

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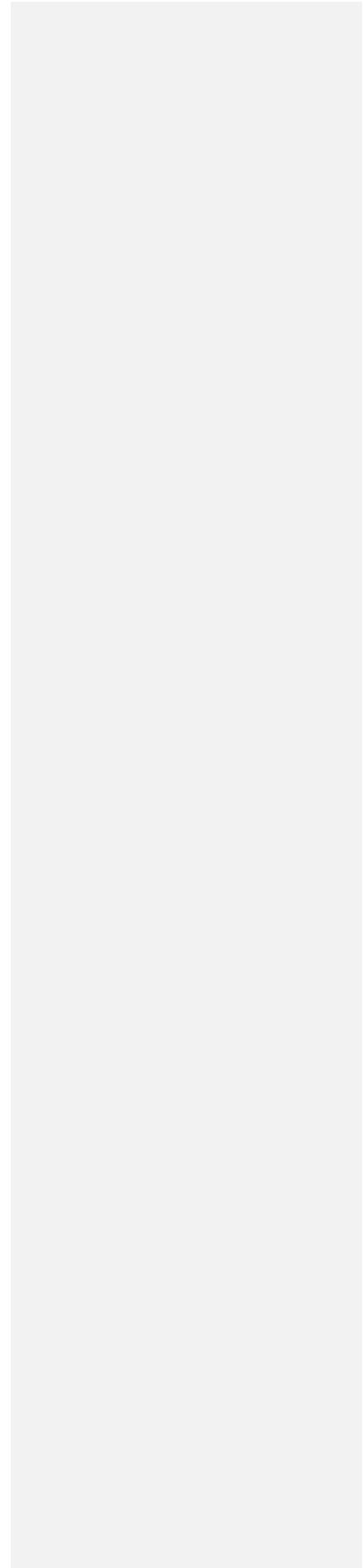




## Director of Community Services

1.	The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council’s Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council’s Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To deal with urgent items of business, in relation to matters which are within their current areas of responsibility, which cannot reasonably await the next meeting of the Council, the Executive, Scrutiny and Regulatory Committees after consultation with the relevant Executive member(s) or Chair
7.	The Chief Executive, Directors, Head of Governance, Law & Regulation , Head of Finance & Property Management, <del>Head of Revenues and Benefits</del> , Head of Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.
8.	To allow Directors and the Chief Executive, in consultation with the Executive Portfolio Members and the Head of Finance & Property Management, to amend fees and charges periodically in their own area on the basis that overall income in their portfolio income remains the same or increases
<del>9.</del>	<del>To make all decisions (strategic, operational or otherwise) in relation to the agreements entered into with the Council’s Strategic Services Delivery Partners limited to the delegated limits set out in the Financial Procedure Rules.</del>

**Comment [VA36]:** This power needs to be afforded to the Director of Resources to allow the day to day management of the Strategic Partnership Agreements with Liberata, Urbaser and the Leisure Trust



**Head of Customer & IT**

**Comment [VA37]:** Service transferred to Liberata.

	<b><u>Head of Customer &amp; IT</u></b>
1.—	<p><del>The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to:</del></p> <ul style="list-style-type: none"> <li><del>➤ the appointment and management of contractors, consultants, etc;</del></li> <li><del>➤ the purchase of goods and services; and</del></li> <li><del>➤ the recruitment, discipline and dismissal of employees</del></li> <li><del>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council's Standing Orders, Financial Procedure rules and Policy framework.</del></li> </ul>
2.—	<del>Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office</del>
3.—	<del>An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.</del>
4.—	<del>Any power delegated to an Officer must be exercised in accordance with the law, the Council's Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees</del>
5.—	<del>All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.</del>

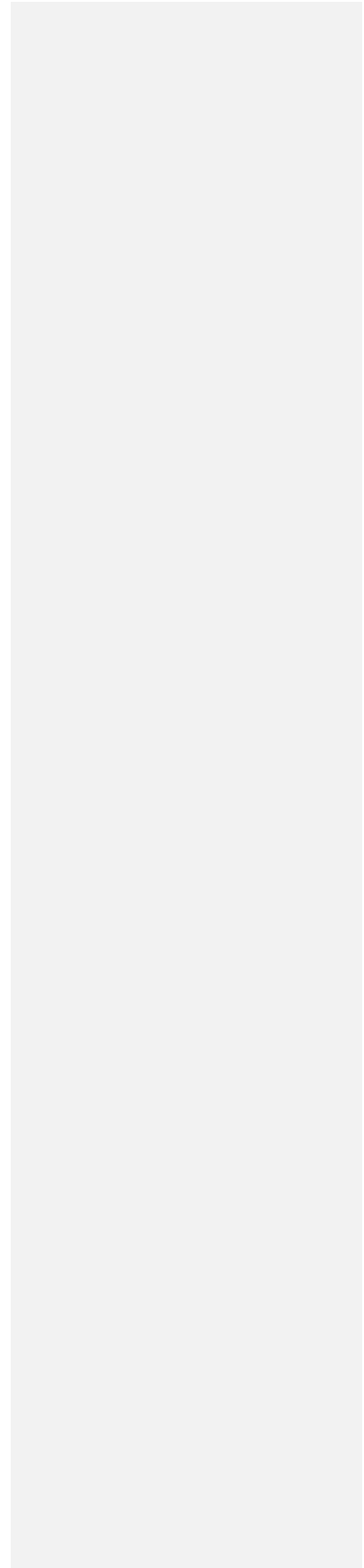
6.—	<del>To manage their individual Service Unit Budgets in accordance with the Council's Financial rules.</del>
7.—	<del>Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee</del>
8.—	<del>To deal with applications under the Council's Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.</del>

<b><u>Head of Green Spaces &amp; Amenities</u></b>	
1.	The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council’s Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office.
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council’s Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees.
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To manage their individual Service Unit Budgets in accordance with the Council’s Financial rules.
7.	Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee
8.	To deal with applications under the Council’s Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.
9.	Thompson Park Boating Lake -To determine applications for the use of Thompson Park Boating Lake by organisations and individuals.
10.	Soccer Sponsorship Advertising - To negotiate with Football Clubs, arrangements for the display of advertisement hoardings at Higher Towneley Playing Fields
11.	Exhumations -To determine, in consultation with the Head of <del>Governance, People,</del> Law

	& Regulation, applications for exhumations and re-interments.
12.	Use of Facilities - To determine applications for the use of various facilities, subject to consultation with the Executive member, where appropriate.
13.	Holiday Closures - To agree holiday closure periods (e.g. Christmas and Easter) for facilities and services in consultation with the Executive Member
14.	Delegation to the Head of Governance, Law & Regulation/ Head of Housing & Development Control/Head of Regeneration & Planning Policy /Head of Chief Executive's Office/ Head of Streetscene and Head of Green Spaces & Amenities to appoint any appropriate qualified Officer of their Service Units as an authorised Officer where any enactment requires a function of the Council or a matter ancillary to it be discharged by an authorised Officer, and to authorise where appropriate such an Officer to seek any warrant to enter or inspect premises in connection therewith
<u>Towneley Hall Art Gallery and Museum</u>	
15.	To approve and arrange exhibitions at the Art Gallery and to accept gifts to the Council (in respect of the arts) unless of a major character.
16.	To deal with loans to mainland British Registered Art Galleries and Museums where standard conditions of loan apply (i.e. security transport, environmental conditions and insurance arrangements) with the exception of requests for loans from outside of the U.K. which will be dealt with after consultation with the Executive member.
17.	Use of Towneley Hall for photographic purposes by organisations and commercial companies.
18.	To approve applications for the use of Towneley Hall for events.
19.	To purchase exhibits up to a value of <del>£13,000</del> .
20.	To purchase exhibits up to a value of <del>£35,000</del> , in consultation with the Executive <del>Member</del> . <u>for Community Services</u>

**Comment [VA38]:** Updated delegated limits

**Comment [VA39]:** Updated delegated limits





<b><u>Head of Streetscene</u></b>	
1.	The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council’s Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council’s Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To manage their individual Service Unit Budgets in accordance with the Council’s Financial rules.
7.	Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee
8.	To deal with applications under the Council’s Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.
9.	Chief Executive, Directors, Head of Governance, Law & Regulation, Head of Finance & Prperty Management, <del>Head of Revenues and Benefits</del> , Head of Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.
10.	To name streets and number properties within the Borough.
11.	To determine the siting and provision of bus shelters.

12.	To deal with all matters relating to the management, operation of the CCTV system.
13.	To deal with all matters relating to the management and running of the Council's car parks with the exception of setting charges.
14.	To publish and serve notices with respect to the provisions of Section 115G of the Highways Act 1980
15.	:-
15	To be authorised to implement the Council's duties in relation to Part IIA of the Environmental Protection Act 1990
16.	All environmental and cleansing issues under any relevant statutory provision contained within The Environmental Protection Act 1990 and all relevant regulations made under that act, including where appropriate to serve notices under Section 80 of the EPA 1990.
17.	All relevant issues under statutory provisions contained in the Environment Act 1995, in so far as Burnley is the enforcing authority as detailed in Parts 1 and 2 of the Act.
18.	All environmental and cleansing issues under any relevant statutory provision contained within The Clean Neighbourhoods and Environment Act 2005 and all relevant regulations made under that act.
19.	All structural and drainage issues, and issues relating to accumulations under any relevant statutory provision contained in the Building Act 1984, the Public Health Act 1961 and the Local Government (Miscellaneous Provisions) Act 1976.
20.	All Public Health Issues under any relevant statutory provision contained in the Public Health Act 1936
21.	All Pest Control issues under any relevant statutory provision contained in the Prevention of Damage by Pests Act 1949.
22.	All issues relevant to dogs contained in the Control of Dogs Order 1992, The Dangerous Dogs Act 1991 and Clean Neighbourhoods and Environment Act 2005.
23.	All issues relating to abandoned vehicles under any relevant statutory provision contained in the Refuse Disposal (Amenity) Act 1978 and ancillary regulations.
24.	All issues relating to emergency powers under any relevant statutory provision contained in the Local Government (Miscellaneous Provisions) Act 1982 and 2003
25.	Issues in respect of visual dissamenity (accumulations on land), under any relevant statutory provision contained in the Town and Country Planning Act 1990.

26.	To be authorised to take legal action on Anti- Social Behaviour, relating to the Crime and Disorder Act 1989, the Anti- Social Behaviour Act 2003, , and the Anti- Social Behaviour, Crime and Policing Act 2014.
27.	To request Lancashire County Council, as Highway Authority, to make applications to a magistrates' court to make an order to stop up or, as the case may be, divert such highways within or adjacent to areas where clearance activity has taken place as necessary to meet the requirements for the planned and/or proposed after use of the site in accordance with sections 116 and 117 of the Highways Act 1980 and all other enabling legislation, and to approach all statutory undertakers to remove or decommission all equipment in advance of the said highways being closed or diverted or to arrange easements where appropriate.
28.	Delegation to the Head of Governance, Law & Regulation/ Head of Housing & Development Control/Head of Regeneration & Planning Policy / <del>Head of Chief Executive's Office</del> Head of Streetscene and Head of Green Spaces & Amenities to appoint any appropriate qualified Officer of their Service Units as an authorised Officer where any enactment requires a function of the Council or a matter ancillary to it be discharged by an authorised Officer, and to authorise where appropriate such an Officer to seek any warrant to enter or inspect premises in connection therewith
29.	ENVIRONMENT  All relevant issues under statutory provisions contained within The Refuse Disposal (Amenity) Act 1978 – The whole Act
30.	All relevant issues under statutory provisions contained within The Local Government (Miscellaneous Provisions) Act 1976 – in so far as Burnley Borough Council is the enforcing authority as detailed in Section 35 of Part 1 of the Act (Private Sewer)

### **Community Safety Manager**

- |    |  |
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| 1. | To be the Council's Child Protection Officer in relation in relation to the Children's Act 2004. |
|----|--|



## **Head of Housing & Development Control**

1.	The Chief Executive, Director of Resources, Directors and Head of Services shall have power to exercise all normal management functions, including but not limited to: <ul style="list-style-type: none"> <li>➤ the appointment and management of contractors, consultants, etc;</li> <li>➤ the purchase of goods and services; and</li> <li>➤ the recruitment, discipline and dismissal of employees</li> <li>➤ all duties necessary to implement the agreed Service Plan of the Unit within the Council’s Standing Orders, Financial Procedure rules and Policy framework.</li> </ul>
2.	Any Officer having delegated powers may, in turn, delegate those powers to other officers except for the powers delegated to the Chief Executive where the Leader and Executive Members are not in office
3.	An Officer may, for good reason, decline to exercise a delegated power on any particular occasion, and the power will then revert to its source.
4.	Any power delegated to an Officer must be exercised in accordance with the law, the Council’s Constitution and Financial rules, and any instruction or policies of the Council, its Executive or the Regulatory Committees.
5.	All Complaints Officers and Appeals Officers have authority to make payments to complainants up to £250 and local settlements in Ombudsman cases up to £1000 subject to budgetary restrictions.
6.	To manage their individual Service Unit Budgets in accordance with the Council’s Financial rules.
7.	Authority to Head of Services to respond on behalf of the Council to future Government Consultation Papers on consultation with the relevant Director, the Executive and Chair of the Scrutiny Committee
8.	To deal with applications under the Council’s Relocation Policy, including requests to extend the temporary accommodation / travelling allowance period up to 26 weeks from the appointment date.
9.	To take any or all steps necessary to discharge the Council’s powers, functions or obligations under the Caravan Sites and Control of Development Act 1960
10.	To serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (section 16) to obtain the details to occupied and unoccupied premises.

11.	Delegation to the Head of Governance, Law & Regulation/ Head of Housing & Development Control/Head of Regeneration & Planning Policy / <del>Head of Chief Executive's Office</del> / Head of Streetscene and Head of Green Spaces & Amenities to appoint any appropriate qualified Officer of their Service Units as an authorised Officer where any enactment requires a function of the Council or a matter ancillary to it be discharged by an authorised Officer, and to authorise where appropriate such an Officer to seek any warrant to enter or inspect premises in connection therewith
12.	<u>Property Condition</u>  To meet the requirements of Part 1 of the Housing Act 2004 to keep the housing conditions of the Borough under review with a view to determining whether any action should be taken under any of the following provisions: Parts 1,2,3,4 and 7 of the Housing Act 2004 and to take such action (including the service of notices) where appropriate-
13.	To authorize Officers for the purposes of Sections 131, 235 239 and paragraph 25 of Schedule 7 to the Housing Act 2004
14.	To authorize Officers for the purposes of Section 319 of the Housing Act 1985
15.	Where there is the existence of category 1or 2 hazards on any residential premises take enforcement action as detailed in Part 1 of the Housing Act 2004.
16.	To make such charge under section 49 of the Housing Act 2904 as he or she considers reasonable to recover costs associated with taking the appropriate enforcement action under Part 1 of the Housing Act 2004 or section 289 of the Housing Act 2005.
17.	To recover any charge made under section 49 of the Housing Act 2004
18.	To authorize Officers to serve notice under Schedule 3 Part 2 of the Housing Act 2004 and enter premises to: <ul style="list-style-type: none"> <li>(i) take any action under Part 2 of the said Schedule in order to carry out work detailed in an Improvement Notice that has not been complied with or where reasonable progress is not being made towards compliance with any such Notice; or</li> <li>(ii) take emergency remedial action under section 40 of the Housing Act 2004</li> </ul>
19.	To recover expenses incurred in taking action under Part 2 of Schedule 3 to the Housing Act 2004 or section 40 of that Act
20.	To make demolition orders under Section 289 of the Housing Act 1985

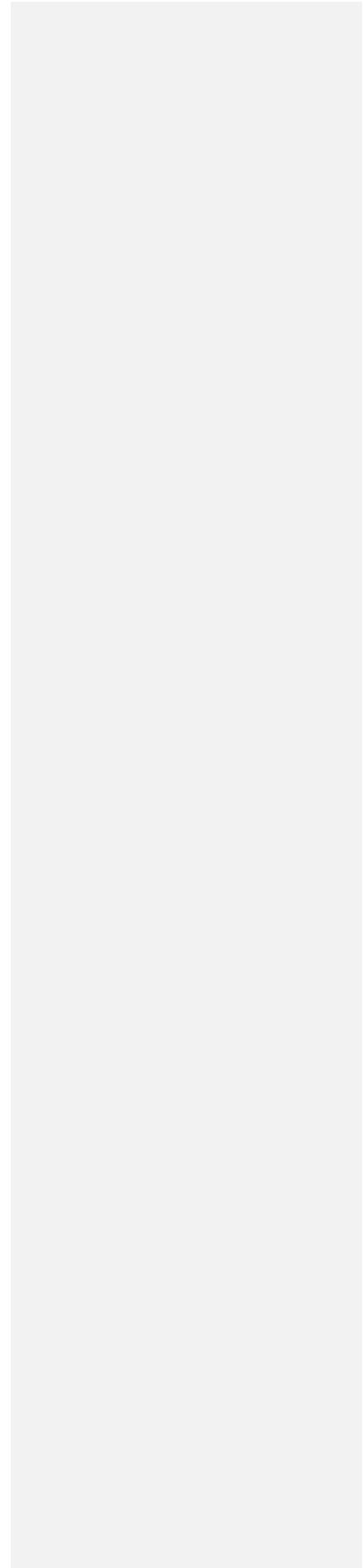
21.	To address overcrowding in accordance with Part 10 of the Housing Act 1985
22.	To order the reconnection of services disconnected by default of a landlord under section 33 of the LOCAL Government (Miscellaneous Provisions) Act 1976
23.	To take any and all steps necessary to exercise and/or discharge the Council's functions, powers and duties under The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
24.	To take all steps necessary to exercise and/or discharge the Council's functions, powers and duties under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
25.	<u>Licensing and Management Orders</u>  To grant (with conditions) or refuse Licences or Temporary Exemption Notices for Houses in Multiple Occupation (HMO) that are required to be licensed under Part 2 of the Housing Act 2004
26.	To vary or revoke a licence for a HMO in accordance with Part of the Housing Act 2004
27.	To grant (with conditions) or refuse Licences or Temporary Exemption Notices in accordance with Part 3 of the Housing Act 2004.
28.	To make, serve and operate interim and final management orders in relation to a HMO and House to which Part 3 of the Housing Act 2004 applies.
29.	To vary or revoke interim and final management orders in accordance with Part 4 of the Housing Act 2004.
30.	To make, serve and operate interim and final empty dwelling management orders in relation to empty dwellings in accordance with Part 4 of the Housing Act 2004.
31.	To vary or revoke interim and final empty dwelling management orders in accordance with Part 4 of the Housing Act 2004.
32.	To serve an Overcrowding Notice in relation to a HMO in accordance with Part 4 of the Housing Act 2004
33.	To set a fee payable for the supply to a person of a certified copy of the whole or part of the register maintained under section 232 of the Housing Act 2004
34.	<u>Financial Assistance</u>

	<p>To administer the whole range of financial assistance, including grants ,loans, assistance to landlords, measures to support purchase and relocation under Part VIII of the Local Government and Housing Act 1989, the Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 as included in the Housing Strategy and adopted by the Authority in the Private Sector Housing Renewal Policy.</p> <ul style="list-style-type: none"> <li>• To determine applications (and related matters) for any financial assistance towards repair, adaptation of properties in the Borough, the relocation of residents in suitable circumstances or the purchase of properties.</li> <li>• To waive repayment of grant monies in appropriate circumstances.</li> <li>• To require information from people who have applied for or who have received financial assistance from the Council.</li> <li>• To waive or vary the criteria and conditions attached to financial assistance within permitted legal criteria or as determined in the Private Sector Housing Renewal Policy.</li> </ul>
35.	To manage the Council's Partnership Agency Service in connection with the provision of financial assistance as defined under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
36.	<p><u>Vacant Properties</u></p> <p>To acquire vacant properties under Part II Housing Act 1985, Section 17 for the purpose of providing housing accommodation.</p>
37.	To acquire premises by agreement or by compulsory purchase for the purpose of disposal for renovation and reoccupation by the most appropriate means or for improvement for sale.
38.	To serve a notice under Section 215 of the Town and Country Planning Act 1990 on residential vacant properties where the condition of the property or part of it is adversely affecting the surrounding neighbourhood
39.	To authorize Officers for the purposes of section 219 of the Town and Country Planning Act 1990
40.	<p><u>Home Loss Payments</u></p> <p>To issue discretionary payments to residents displaced through the Council's Clearance Programme to the value of Home Loss Payments, after consultation with the appropriate Executive Member.</p>
41.	<p><u>Housing Advice</u></p> <p>To carry out the Council's powers and duties (including the granting and termination of</p>



	licences to occupy residential accommodation) in relation to homelessness and the Housing Register.
42.	<u>DEVELOPMENT CONTROL</u>  To determine applications under the building regulations and to deal with matters relating to the control of building works (other than planning control), the safety of sports grounds and matters of public amenity and safety arising from the condition of buildings.
43.	To provide/supply copies of planning applications and plans
44.	To issue formal screening assessment as to whether any Schedule 2 planning proposal involves EIA development; where an Environment Impact Assessment is required the issue of a scoping opinion be determined after carrying out the appropriate statutory consultation.
45.	To carry out consultation required by the Conservation of Habitats and Species Regulations 2010, determine whether an assessment is required, and make an appropriate assessment
46.	To consult on any amendments proposed to the Guidance for the Validation of Planning Applications, and to adopt the guidance with any necessary changes following the consultation period.
47.	The Wildlife and Countryside Act 1981 - In so far as Burnley Borough Council is the enforcing authority as detailed in Part I of the Act
48.	The Local Government (Miscellaneous Provisions) Act 1976 – in so far as Burnley Borough Council is the enforcing authority as detailed in Section 16 of Part 1 of the Act (Interest in Land)





## **B) TERMS OF REFERENCE OF COMMITTEES, PANELS AND WORKING GROUPS AND**

### **1. Council Functions**

#### **(a) DEVELOPMENT CONTROL COMMITTEE**

Planning and conservation

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (functions and responsibilities) (England) Regulations 2000 (the functions regulations)  
Commons registration

The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations

**(b) LICENSING COMMITTEE**

Taxi, gaming ,entertainment, food and miscellaneous licensing

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and through its Sub Committees functions relating to the Licensing Act 2003 and Gambling Act 2005.

Health and safety

Functions relating to health and safety under any relevant 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 Council's capacity as an employer

**(c ) APPEALS COMMITTEE (JNC) - 2 EXECUTIVE AND 1 SCRUTINY CHAIR / VICE CHAIR )**

To consider appeals against dismissal, other disciplinary action, grading and grievances by employees of the Council who are not on the conditions of service of the NJC for Local Government Services

**(d) APPEALS PANEL**

To comprise one member of the Management Team and two members of the Executive.

AMENDED FEB 11-To deal with the final stages of appeals against dismissal and other disciplinary action regarding employees of the Council who are on the conditions of service of the NJC for Local Government Services.

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**(e) REDUNDANCY APPEAL PANEL**

To comprise three members of the Executive for those employees covered by the Council's redundancy policy

**(f) AUDIT AND STANDARDS COMMITTEE**

(Membership to include 9 elected members including an Executive Member and the Scrutiny Committee Chair and 2 independent co-optees and 2 parish co-optees

The Committee combines responsibility for overseeing the effective auditing of all the Council's processes with a separate role in ensuring the ethical propriety and good conduct of individual Councillors.

The Audit function covers both external and internal processes, the external scrutiny brought by the external auditors and the internal control of processes administered by an internal audit team. The Committee approves an annual work programme and receives regular reports on the progress of audit work and assessments.

#### Terms of Reference

The Audit and Standards Committee will have the following roles and functions:

#### Audit Activity

- a) To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
- b) To consider summaries of internal audit reports
- c) To consider reports dealing with the management and performance of the providers of internal audit services
- d) To consider reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
- e) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance
- f) To consider specific reports as agreed with the external auditor.
- g) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- h) To appoint the council's external auditor
- i) To commission work from internal and external audit.

## Regulatory Framework

- a) To maintain an overview of the council's constitution in respect of Standing Orders for Contracts, Financial Procedure Rules and codes of conduct and behaviour.
- b) To review any issue referred to it by the chief executive or a director, or any council body.
- c) To monitor the effective development and operation of risk management and corporate governance in the council
- d) To monitor council policies on whistleblowing and the anti-fraud and corruption policy and the council's complaints process
- e) To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
- f) To consider reports on internal audits effectiveness.
- g) To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- h) To consider the council's compliance with its own and other published standards and controls.

## Accounts

- a) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- b) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

## Value for Money

- a) To review and monitor Council activities relating to value for money.

#### Standards Activity

- a) To promote and maintain high standards of conduct by Members, Co-opted Members and employees of the Council
- b) To support Members, Co-opted members and employees to observe the Council's Code of Conduct
- c) To advise, train or arrange to train Members, Co-opted Members, Parish and Town Council Members and employees of the Council on the Council's Codes
- d) To monitor and advise the Council about the operation of its Code of Conduct for Members and Employees in light of best practice, changes in the law, and government guidance
- e) To advise the Council on the adoption or revision of the Codes of Conduct, including the adoption of Protocols which support high standards of conduct by Members and employees of the Council
- f) To actively engage with the Borough, Parish and Town Councils on the role and purpose of the Committee, governance and standards
- g) To actively engage with the public, the media and key partners on the role and purpose of the Committee, governance and standards to promote public confidence in the Council
- h) To grant dispensations to Members with disclosable interests
- i) To grant exemptions for politically restricted posts
- j) To determine complaints about Members in accordance with the Localism Act 2011 and associated Regulations and local procedures
- k) To adopt and keep under review policies and procedures for the determination of complaints about Members

#### **(g) MEMBER STRUCTURES AND SUPPORT WORKING GROUP**

To draw up proposals for modernising the Council's Member Structures in the light of new legislation and best practice, and to make appropriate recommendations to full Council.

To keep under review the range of existing support and services provided for Council Members and to make recommendations, if necessary, to the appropriate Committees for improvements.

To consider the annual Member Training and Development Programme (including induction training for new Council Members), ~~and to make recommendations to the Policy Committee thereon.~~

**Comment [VA40]:** Deleted as no the Policy Committee no longer exists



To act as a Forum for the discussion of matters relating to how Members and officers work together.  
To deal with all matter relating to the provision and use of IT equipment by Members

**(h) JOINT CONSULTATIVE PANEL**

To act as a forum for consultation and negotiation between the Council and Trade Union Representatives of employees subject to the national agreement of the NJC for Local Government Services and other employees ([constitution attached as an Appendix](#)).  
Members are appointed by qualification.

## **2. Executive Functions.**

### **(a) SCRUTINY COMMITTEE**

To Scrutinise all actions which fall within the remit of any Service Unit or Directorate, including Budget Scrutiny.

### **(b) TRAFFIC REGULATION ORDER SUB-COMMITTEE**

Three Members of the Executive.

#### Terms of Reference

Powers to amend or confirm Traffic Regulation Orders or refer them to the Executive for a decision.

### **(c) PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON**

#### **(PATROL) ADJUDICATION JOINT COMMITTEE**

The Committee is constitutionally and legally a joint committee between Burnley and other Local Authorities and has been established to adjudicate on parking and traffic regulations.

Political balance requirements are not necessary for the appointments due to the low number of Members being appointed. Representation on the PATROL Adjudication Joint Committee consists of the relevant Executive Member (the Executive Member for Communities), with the substitute being from the largest opposition party.

#### **(d) PENNINE LANCASHIRE BUILDING CONTROL JOINT EXECUTIVE COMMITTEE**

The Committee is constitutionally and legally an Executive joint committee between Burnley and Blackburn with Darwin Local Authorities and has been established to in relation to the Building Control Service, including the enforcement of Building Regulations, in the Joint Area.

Political balance requirements are not necessary for the appointments due to the low number of Members being appointed. Representation on the PLBC Joint Committee consists of the Executive Member for Housing and

| ~~Development Environment~~, with the substitute being the Executive Member for Resources-Appointed by the Executive in 2009/10.

[Appx 1 \(Constitution\)](#)

**(e) PENNINE LANCASHIRE LEADERS AND CHIEF EXECUTIVES JOINT COMMITTEE**

The Committee is constitutionally and legally a statutory joint committee between Burnley and other Pennine Lancashire Local Authorities and has been established to oversee the Pennine Lancashire Multi Area Agreement (MAA) and the role of the Pennine Lancashire Development Company.

Political balance requirements are not necessary for the appointments due to the low number of Members being appointed. Representation on PLLACE consists of the Leader, with the substitute being the Deputy Leader.

[Appx1 \(Constitution of PLLACE\)](#)

**(f) THREE TIER FORUM**

This forum involves the County, Borough and Parish representatives in discussing relevant issues.

Political balance requirements are not necessary for the appointments and of the 6 Borough Members, 4 are Labour, with 1 Lib Dem and 1 Conservative. Appointment is annual by Full Council.