

| [180123-220223](#)

BURNLEY BOROUGH COUNCIL

## **PART 3**

# **SCHEME OF DELEGATION**

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## 1.COUNCIL FUNCTIONS

### a) Development Control Committee

1.	<b>Planning and conservation</b> - 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) (and any miscellaneous functions in that Schedule related or ancillary to town and country planning ) and the Planning and Compulsory Purchase Act 2004 and relevant schedules and regulations
2.	<b>Commons registration</b> - 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
3.	<p>To determine all matters as Local Planning Authority, except:</p> <ul style="list-style-type: none"> <li>• decisions which would be substantially contrary to Burnley Local Plan and the Local Development Framework or any other clearly stated Council Policy;</li> <li>• decisions which would give rise to substantial claims for compensation</li> </ul> <p>On a planning matter where the Head of Housing and Development Control/Legal Officer has advised before the vote is taken that the decision that the Development Control Committee is minded to take would represent:</p> <p>(a) decisions which would be substantially contrary to Burnley's Local Plan or any clearly stated Council policy ;or</p> <p>(b) decisions which would give rise to substantial claims for compensation</p> <p>and the Head of Legal and Democratic Services (having also consulted the Chairman (or in his or her absence the Vice Chairman) of the Development Control Committee) has confirmed in writing that he/she agrees with that view no later than 5 working days after the day of the relevant Development Control Committee, whether it is a decision relating to enforcement action or the determination of a planning application, then the matter will be determined by the Full Council.</p>
4.	To consider Local Impact Reports prepared by officers in respect of Nationally Significant Infrastructure Projects, and determine whether or not the LIR represents the position of Burnley Council in respect of the proposal.

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

1.	To sign and serve statutory notices except as are delegated to the Head of Housing and Development Control.
2.	To serve, where appropriate, Stop Notices.
3.	To take enforcement action, including Court proceedings, where there has been a breach of planning control
4.	To confirm unopposed Orders for the diversion or stopping up of footpaths and bridleways.
5.	To serve a Building Preservation Notice, Hedgerow Retention Notice or a Tree Preservation Order in cases where emergency action is necessary.
6.	To confirm unopposed Tree Preservation Orders.
7.	To execute all documents necessary to give effect to Council decisions
<b>Head of Housing &amp; Development Control</b>	
1.	To have responsibility for the conduct of planning appeals.
2.	<p>To exercise the Council's statutory duties and responsibilities under the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Environment Act 1995 and as might subsequently be amended in respect of:</p> <p>(i) determinations as to whether or not an application to the Local Planning Authority is required;</p> <p>(ii) all approvals to lop or fell trees covered by Tree Preservation Orders or in Conservation Areas and Hedgerow Retention Notices, except where the application has been submitted by a Member of the Council, Officer of the Council or their partners; and</p> <p>(iii) all decisions on applications for consent to display advertisements, except where the application has been submitted by a Member of the Council, Officer of the Council or their partners or where three Members have indicated that they wish the application to be considered by Development Control Committee - Members wishing for this to happen must notify the Head of Housing &amp; Development Control, or deputy, no later than the 'consultation expiry date' shown in the planning application record on the Council's website and must give material planning reasons for their request. The Head of Housing &amp; Development Control will determine whether these reasons are material and</p>

	arrange for the application be placed on the agenda for Development Control Committee. .
3.	<p>The approval of all other applications, apart from those in Paragraph 2, except:</p> <ul style="list-style-type: none"> <li>(i) where in the opinion of the Head of Housing &amp; Development Control the decision is likely to be contentious;</li> <li>(ii) where the application has been submitted by a Member of the Council, Officer of the Council or their partners;</li> <li>(iii) Proposals for the Council's own development which must not be treated under delegated powers and must be reported to Development Control Committee and identified as the Council's own development in the written report to Committee;</li> <li>(iv) where the decision is not in accordance with a stated Council policy e.g. Local Plan;</li> <li>(v) where three or more material planning objections have been received; (from 28.09.22) or</li> <li>(vi) Where three Members have indicated that they wish the application to be considered by Development Control Committee - Members wishing for this to happen must notify the Head of Housing &amp; Development Control, or deputy, no later than the 'consultation expiry date' shown in the planning application record on the Council's website and must give planning reasons for their request. The Head of Housing &amp; Development Control will determine whether these reasons are material and arrange for the application be placed on the agenda for Development Control Committee.</li> </ul>
4.	<p>The refusal of applications which are contrary to a clearly-stated Council policy, except;</p> <ul style="list-style-type: none"> <li>(i) where the refusal could give rise to a claim for compensation;</li> <li>(ii) where the application has been submitted by a Member of the Council, Officer of the Council or their partners; and</li> <li>(iii) Proposals for the Council's own development which must not be treated under delegated powers and must be reported to Development Control Committee and identified as the Council's own development in the written report to Committee.</li> </ul>
5.	All decisions relating to the approval of reserved matters;
6.	<u>In consultation with the Chair of Development Control Committee (or Vice-Chair if the Chair is not available) to decline to determine applications pursuant to s.70A or s.70C of the Town and Country Planning Act 1990.</u>

**Commented [LP1]:** s70A - provides the LA with (inter alia) the power to decline applications that are similar to an application previously refused or where an appeal has been dismissed in the preceding two years.

s70C - aims to avoid delay in enforcement by ensuring that the merits of unauthorised development are only considered once, in an appeal against the enforcement notice under section 174(2)(a).

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<del>6-7.</del>	To secure publicity by site notices, publicising development, and notifying interested parties for the following categories of application, over and above the statutory classes: <ul style="list-style-type: none"> <li>• applications which significantly affect the character of the neighbourhood;</li> <li>• applications which significantly affect the amenities enjoyed by the local population; and</li> <li>• applications which would have wide scale implications on the Borough or its population</li> </ul>
<del>7-8.</del>	To obtain information in connection with alleged breaches of planning control;
<del>8-9.</del>	To determine all applications for Certificates of Lawful Development;
<del>9-10.</del>	To respond to neighbouring Local Planning Authority consultations and County Matters applications, subject to the exceptions outlined in (4) above;
<del>10-11.</del>	To determine all applications for Prior Approval.
<del>11-12.</del>	In consultation with the Chair of the Development Control Committee, will be responsible for determining the scale and scope of consultation in relation to any Nationally Significant Infrastructure Project located wholly or partly within the borough boundary, and in any adjoining local authority area, or otherwise having an impact on the borough.
<del>12-13.</del>	To serve a notice under Section 215 of the Town and Country Planning Act 1990 on residential properties where the condition of the property or part of it is adversely affecting the surrounding neighbourhood
<del>13-14.</del>	In consultation with the Chair of Development Control Committee (or Vice-Chair if the Chair is not available) to revoke planning permission where such revocation would be unlikely to rise to a substantial claim for compensation. <del>(from 28.09.22)</del>
<b>Head of Streetscene</b>	
1.	To serve a notice under Section 215 of the Town and Country Planning Act 1990 relating to the condition of land due to cleansing issues where the condition of the land or part of it is adversely affecting the surrounding neighbourhood.
2.	To deal with all matters relating to excavations, erections, deposits, markings, plantings, in or on the highway.

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## Strategic Head of Economy and Growth

1.	To serve a notice under Section 215 of the Town and Country Planning Act 1990 on non-residential properties where the condition of the property or part of it is adversely affecting the surrounding neighbourhood.
<u>2.</u>	<u>In consultation with the Executive Member for Economy and Growth and the Executive Member for Resources and Performance Management, to serve Urgent Works Notices under S54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also to serve notice under Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to authorise recovery of costs incurred by the Council.</u>

**Commented [LP2]:** To protect buildings and structures with a listed status and preserve the boroughs heritage when urgent action is required.



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## **b) Licensing Committee**

1.	<b>Taxi, gaming, entertainment, food and miscellaneous licensing</b> - Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003 and the Gambling Act 2005
2.	<b>Health and safety</b> - 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
3.	<p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations</p> <ul style="list-style-type: none"> <li>• The setting of fees for Hackney Carriages or Private Hire Vehicles</li> <li>• Functions relating to entertainments and alcohol licensing under the Licensing Act 2003</li> <li>• The setting of fees in relation to the Gambling Act 2005</li> <li>• Functions relating to the Gambling Act 2005.</li> <li>• Functions relating to scrap metal dealers under the Scrap Metal Dealers Act 2011- this will involve 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 Streetscene 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.</li> </ul>
4.	Functions relating to Schedule 3 of the Local Government (Miscellaneous Provisions ) Act 1982 made by Section 27 of the Policing and Crime Act 2009, regarding Sex Entertainment Venues.

## **Licensing Sub Committees**

5.	That the provisions with respect to taxis, set out in Part 3 of the Constitution and vested in the Licensing Committee, be delegated to the Licensing Sub Committee, consisting of 7 Members, subject to the usual quoracy provisions i.e. one third of the Members of the Sub Committee.
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6.	That the provisions with respect to Licensing Act (LA) 2003, as set out in Part 3 of the constitution and vested in the Licensing Committee, be delegated to the LA 2003 Licensing Sub Committee with its functions as set out in Appx A Exercise and Delegation of Functions to the Council's LA 2003 Statement of Licensing Policy and including carrying out a s20 determination of a film classification.
<b>Head of Streetscene</b>	
1.	<p>To be the authorised Officer in respect of the following legislation and to appoint Officers to undertake, where appropriate, the licensing duties vested in the authority by the legislation. To institute proceedings, keep public registers, issue notices, make orders, and determine applications for licences (subject to the paragraphs below), approvals, registrations and consents in respect of the legislation.</p> <ul style="list-style-type: none"> <li>• The Food Safety Act 1990 (and associated regulations) - in so far as Burnley BC is the enforcing authority as detailed at Sections 5 and 6</li> <li>• The Local Government (Miscellaneous Provisions) Act 1982 - Part VIII, Part XI, Schedule 3 and Schedule 4</li> <li>• Animal Welfare Act 2006- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regs 2018</li> <li>• The Noise and Statutory Nuisance Act 1997 – The whole of the Act excluding those items specified as Local Choice functions under Schedule 2 of the Functions Regulations</li> <li>• Town and Police Clauses Act 1847</li> <li>• The Local Government (Miscellaneous Provisions) Act 1976</li> <li>• Vehicle Crime Act 2001</li> <li>• Food and Environmental Protection Act 1985</li> <li>• Criminal Justice and Police Act 2001;</li> <li>• Cooling Towers and Evaporative Condensers Regulations 2002</li> <li>• Licensing Act 2003</li> <li>• Public Health Control of Disease Act 1984</li> <li>• Gambling Act 2005</li> <li>• The Health and Safety at Work Act 1974</li> <li>• Health Act 2006</li> <li>• County of Lancashire Act 1984</li> <li>• Scrap Metal Dealers Act 2013</li> </ul>
2.	<p>To undertake the following functions in relation to entertainment and alcohol licensing in accordance with the Licensing Act 2003:</p> <ul style="list-style-type: none"> <li>• To determine applications for personal licences where no objections have been made</li> <li>• To determine Application for premises licences where no representations have been made</li> <li>• To determine Application for provisional statement where no representations have been made</li> </ul>

	<ul style="list-style-type: none"> <li>• To determine applications to vary premises licence / club premises certificate where no representations have been made</li> <li>• To determine applications to vary Designated Premises Supervisor (DPS) where no police objections have been made</li> <li>• To deal with requests to be removed as Designated Premises Supervisor</li> <li>• To determine applications for the transfer of a premises licence where no police objections have been made</li> <li>• To determine applications for interim authority where no police objections have been made</li> <li>• To refuse an application for premises licence review which is irrelevant repetitious, vexatious or frivolous</li> <li>• To determine applications for sexual encounter venues</li> <li>• To determine an application for a minor variation</li> <li>• To disapply the s19 requirement for a DPS at community premises</li> </ul>
3.	<p>To undertake the following functions in relation to the Gambling Act 2005</p> <ul style="list-style-type: none"> <li>• To determine applications for premises licences where no representations have been made</li> <li>• To determine applications for the transfer of licences where no representations have been received from the Commission</li> <li>• To determine applications for provisional statements where no representations have been made</li> <li>• To determine applications for club gaming/club machine permits where no representations have been made</li> <li>• To determine applications for other permits</li> <li>• To determine the cancellation of licensed premises gaming machine permits</li> <li>• To determine requests for temporary use notices</li> <li>• To determine applications for variation of premises licences where no representations have been made</li> </ul>
4.	<p>To undertake the following functions in relation to the Scrap Metal Dealers Act 2013</p> <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>
5.	<p>To undertake the following functions in relation to the Business and Planning Act 2020</p> <ul style="list-style-type: none"> <li>• To issue guidance for pavement licences</li> </ul>

	<ul style="list-style-type: none"> <li>• To set conditions (both standard and bespoke) to be attached to pavement licences</li> <li>• To grant in whole or in part any application for a pavement licence (with or without conditions) or to refuse any application for a licence</li> <li>• To revoke a licence.</li> <li>• Issue notices to remedy any breaches of a pavement licence.</li> </ul>
6.	<p>To undertake the following functions:</p> <p>(i) To make representations in relation to any matter for which the Council is a responsible authority in respect of that matter under the Licensing Act 2003;</p> <p>(ii) To apply for a review of a premises licence (including an off-sales review of a premises licence) or a club premises certificate;</p> <p>(iii) To apply for an extension of the time allowed for the carrying out of an entry and inspection under section 96 of the Licensing Act 2003.</p>
7.	To execute all documents necessary to give effect to Council decisions

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

1.	<p>To undertake the following functions in relation to Hackney Carriage vehicle and driver licensing and Private Hire vehicle and driver licensing and Private Hire Operator licensing as follows.</p> <p>(a) To be responsible for determining applications for Hackney Carriage vehicle and driver licences, Private Hire vehicle and driver licences and Private Hire Operators' licences, and for applications for the renewal of existing licences.</p> <p>(b) Where, in the opinion of the Head of Legal and Democratic Services, and in consultation with the Chair of the Licensing Committee, an application is controversial the matter be referred to the Licensing Committee for their determination</p> <p>(c) In all cases the Council's Guidelines for determining applications be considered and only departed from when, in the opinion of the Head of Legal and Democratic Services or his duly authorised representative, it is appropriate to do so.</p> <p>(d) In relation to the suspension and revocation of licences, the Licensing Committee be responsible for suspending or revoking Hackney Carriage and Private Hire Drivers' licences and Private Hire Operators' licences. However the Council delegates to the Head of Legal and Democratic Services (or in their absence the Environmental</p>
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	<p>Health and Licensing Manager, and in their absence the Council's Principal Legal Officer (Litigation and Regulation i.e.from 190321) in consultation with the Chair (or in their absence Vice Chair) of the Licensing Committee, the power to suspend or revoke a Hackney Carriage/Private Hire Driver's licence with immediate effect in the interests of public safety. Such action will be reserved only for the most serious situations. All other matters falling under section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 where public safety is not a factor will continue to be referred to the Committee for decision.</p> <p>(e) To be responsible for the suspension and revocation of Hackney Carriage vehicle licences and Private Hire vehicle licences.</p>
2.	<p>In the event that an applicant or licence-holder fails to successfully complete any training required by the Council the Head of Legal and Democratic Services is given delegated powers to suspend or refuse to renew, as appropriate, the Hackney Carriage and/or Private Hire Driver's licence and/ or Operators' Licence. The applicant/licence holder will be offered the opportunity to put forward any exceptional circumstances to show why the licence should not be suspended, refused or why it should not be renewed.</p> <p>The suspension of any licence would continue until such time as a driver/operator is able to complete the training.</p>
3.	<p>To execute all documents necessary to give effect to Council decisions</p>
4.	<p>To appoint officers to undertake, where appropriate, the licensing duties vested in the authority by the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976.</p>
5.	<p>That the Licensing Committee delegates to the Head of Legal &amp; Democratic Services, in consultation with the Chair of Licensing, the power to make necessary changes to the Taxi Licensing - Policy Guidelines in response to any national review of road traffic legislation which results in an offence being awarded more or fewer penalty points, by re-categorising such offence as major/ minor or hybrid within the Policy guidelines</p>
<p><b>Head of Housing and Development Control</b></p>	

1. The Head of Housing and Development Control 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 Part 3 (3)

### **Strategic Head of Economy & Growth**

1. In the absence of the Head of Streetscene, to undertake the following functions in relation to the Business and Planning Act 2020

- To issue guidance for pavement licences
- To set conditions (both standard and bespoke) to be attached to Pavement Licences
- To grant in whole or in part any application for a pavement licence (with or without conditions) or to refuse any application for a licence
- To revoke a licence.
- Issue Notices to remedy any breaches of a pavement licence

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### **c ) Audit Committee and Standards Committee**

1. **The promotion and maintenance of high standards of conduct within the Council -** To advise the Council on the adoption or revision of its code of conduct. To monitor and advise the Council about the operation of its code of conduct in the light of best practice, changes in the law,

2. **Assistance to members and co-opted members of the authority -** To ensure that all members of the Council have access to training in all aspects of the member code of conduct, that this training is actively promoted, and that members are aware of the standards expected of local councillors under the code

3. **Other functions -** Functions relating to standards of conduct of members under any provision of, or regulations made under the Local Government Act 2000 or Localism Act 2011.

4. **To consider audit activity, the regulatory framework, and accounts.**

**Monitoring Officer**

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| 1. | To grant dispensations under the Localism Act 2011 in consultation with the Chair of the Audit and Standards Committee. |
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**d) Appeals Committee**

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| 1. | To consider appeals against dismissal, other disciplinary action, grading and grievances by employees of the Council   |
| 2. | To determine all appeals falling within the remit of the Appeals Committee except where the Committee's decision would contravene an established Council policy. |

**e) Chief Executive**

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| 1. | To deal with urgent items of business which cannot reasonably await the next meeting of the Council, and Regulatory Committees after consultation with the relevant Chair i.e. Mayor for Council business or Chair of relevant Regulatory Committee. |
| 2. | To deal with urgent items of business which cannot reasonably await the next meeting of the Council, and Regulatory Committees in the absence of the Chair i.e. Mayor for Council business or Chair of relevant Regulatory Committee                 |
| 3. | To make minor amendments to personnel policies which affect staff terms and conditions, and to make other amendments to those policies in consultation with Group Leaders and the Executive Member for Resources                                     |
| 4. | To approve new personnel policies which affect staff terms and conditions and which are not significant, in consultation with Group Leaders and the Executive Member for Resources and Performance Management  |
| 5. | To make, in exceptional circumstances between polling district reviews, temporary alterations to the designation of polling places in consultation with Group Leaders.<br><b>FC-161220</b>   |
| 6. | To carry out a Community Governance Review on receipt of a valid application.<br><b>FC-280922</b>  |



**f) Section 151 Officer**

The exercise of all powers, relating to and incidental to the administration of the financial affairs of the Council by the Section 151 Officer.

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| 1. | To determine prior to the start of each financial year in consultation with the Executive Member for Resources & Performance Management:<br><br>(a) The Council Tax base.<br>(b). The estimated business rates to be collected as set out in the NNDR1 return. |
| 2. | 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.                       |

**g) Head of Legal and Democratic Services**

1.	To make minor amendments to the list of appointments to outside bodies, in consultation with Group Leaders.
<del>2.</del>	<del>To make any in year appointments to Committees and Working Groups according to the political balance calculation, in consultation with relevant Group Leaders, to the extent not precluded by law</del>
<del>23.</del>	To deal with appeals at the first stage of the Pensions Disputes Resolution Procedure.
<del>34.</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

**Commented [LP3]:** It is considered unlikely that this delegation would be used in view of the Gladbaum dictum and it is proposed it should be deleted. In a nutshell, it is considered proper for the parent body to effect a change to committee appointments i.e. Full Council rather than it being delegated to an officer.

**h) Chief Operating Officer**

1.	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.
2.	As Monitoring Officer authority to make minor amendments to the Council's constitution, and also to make minor amendments to the Council's policies and procedures.
3.	To determine as part of the Council's Managing Attendance at Work Policy relating to Permanent Ill Health Retirement (Paragraph 9) which tier of ill health benefits is to be paid in consultation with the Executive Member for Resources and performance, and if an ill health certificate is issued to authorise it.
<del>4.</del>	<del>To discharge delegations and functions afforded to a Head of Service in the Constitution and Standing Orders in the absence of the relevant Head of Service, excluding those finance functions afforded to the Section 151 Officer</del>
<del>5.</del>	<del>To agree the release of Frozen Pension Benefits on Compassionate Grounds in consultation with the Section 151 Officer</del>

**Commented [LP4]:** As per delegation provided at Full Council on 26th January 2023.

**Commented [LP5]:** This delegation transferred to the COO when the Head of People and Development Post was dis-established.

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~~**i) Head of People and Development**~~

<del>1.</del>	<del>To agree the release of Frozen Pension Benefits on Compassionate Grounds in consultation with the Section 151 Officer</del>
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[+80123-220223](tel:+80123-220223)

## **2.EXECUTIVE FUNCTIONS**

## 2.EXECUTIVE FUNCTIONS

### Executive

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| 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 Streetscene 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

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| 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:<br>(i) the Executive; or<br>(ii) by another member of the Executive; or<br>(iii) by a committee of the Executive; or<br>(iv) by an officer of the Council |
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### Executive Members

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| 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.<br><a href="#">Appendix- Exec Portfolios</a> |
| 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.	<p>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.</p> <p>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.</p> <p>None of these arrangements will constitute a “meeting” and will not involve attendance of press and public</p>
<b>EXECUTIVE MEMBER FOR RESOURCES AND PERFORMANCE MANAGEMENT</b>	
1.	<p>To determine Discretionary Relief Appeals 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>

### **Chief Executive**

1.	The Chief Executive, Chief Operating Officer, 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 Committee after consultation with the relevant Executive Member(s) or Chair i.e. Chair of 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, Chief Operating Officer, Head of Legal and Democratic Services, Head of Finance and Property, and Head of Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.
12.	To allow the Chief Executive and the Chief Operating Officer, in consultation with the Executive Portfolio Members and the Head of Finance and Property, 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 and Performance Management.
14.	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
15.	To deal, including with the approval of the Strategic Head of Economy and Growth, with grant applications for a value of above £20,000 and upto and including £50,000.
16.	To deal with grant applications above the value of £50,000 in consultation with the Executive Member for Economy and Growth  All grant offers of a value of £10,000 or more to be signed by the Section 151 Officer or other delegated financial responsible person together with the Executive Member for Economy and Growth

## **Strategic Head of Economy and Growth**

1.	<p>The Chief Executive, Chief Operating Officer 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 manage their individual Service Unit Budgets in accordance with the Council's Financial rules.
7.	Authority to Heads of Services to respond on behalf of the Council to future Government Consultation Papers in consultation with the Chief Executive or Chief Operating Officer as relevant, 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 Economy and Growth 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 Legal and Democratic Services/ Head of Housing & Development Control/Strategic Head of Economy and Growth / 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 £20,000.
13.	To deal, including with the approval of the Chief Operating Officer, with grant applications for a value of above £20,000 and upto and including £50,000.
14.	<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.
15.	Responsibility for ensuring the Borough has an up to date Local Development Scheme and Local Development Framework
16.	To ensure that the Local Development Scheme Annual Monitoring Report is adopted every year
17.	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
18.	To determine neighbourhood area applications as follows; i) where public consultation is not required by regulation, and where the area to be designated is coterminous with the area of a civil parish; or ii) where no representations objecting to the proposal have been received to a public consultation. Any such decisions made are to be reported for information to the Executive Member for Economy and Growth.
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 Operating Officer.
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.	(From 150920) The management of the Council's Student Accommodation at Sandygate which shall include (without limitation) the letting of rooms to students provided that the rent reserved is not below market rate.

24.	<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>
25.	To deal with additions to the user clause of the leases for the Market Hall Stalls.
26.	To deal with the introduction of co-terminus leases where felt commercially justifiable by the Strategic Head of Economy and Growth
27.	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.
28.	To approve assignments, including those before three years of lease has been served, where felt commercially justifiable.
29.	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.
30.	To be authorised to sign Section 25 notices (Tenancy renewal notices).
31.	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.
32.	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.
33.	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 Operating Officer and s151 Officer to be in the commercial interests of the Council to do so.
34.	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.
35.	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.

36.	In consultation with the Executive Member for Resources and Performance Management and Chief Operating Officer 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.
37.	<b>GENERAL</b>  In consultation with the Head of Finance and Property to agree terms and grant leases for 10 years or less for units at Vision Park provided that the rent agreed with the tenant is market rent and the terms reserved by the leases are comparable to those available on the open market

### Chief Operating Officer

1.	The Chief Executive, Chief Operating Officer, 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, Chief Operating Officer, Head of Legal and Democratic Services , Head of Finance and Property, and Head of Streetscene to issue authorisations under the Regulation of Investigatory Powers Act 2000.
8.	To allow the Chief Executive and the Chief Operating Officer, in consultation with the Executive Portfolio Members and the Head of Finance and Property 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
9.	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.

10.	<p>To submit bids and accept funding for external funding where there is no requirement for funding from the Council up to a maximum of £100,000, and if there is a requirement for funding from the Council then up to a maximum of £50,000 in consultation with the Executive Member for Resources and Performance Management.</p> <p>Any submission of bids for external funding, where there is no requirement for funding from the Council, over £100,000 to be in consultation with the Executive Member for Resources and Performance Management.</p> <p>Any expressions of interest may be submitted, without consultation with the Executive Member for Resources and Performance Management.</p>
11.	<p>Appointed as the Council's Monitoring Officer with authority to make minor amendments to the Council's constitution.</p>
12.	<p><u>Transferred from Head of People and Development - Effective on 1st April 2019</u></p> <p>To manage their individual Service Unit Budgets in accordance with the Council's financial rules.</p>
13.	<p>Authority to Heads of Service to respond on behalf of the Council to future Government Consultation Papers in consultation with the Chief Executive or Chief Operating Officer as relevant, the Executive and Chair of the Scrutiny Committee</p>
14.	<p>To approve the extension of sick pay at the rate of half-pay for up to 3 months where budget provision exists.</p>
15.	<p>To agree new occupational health arrangements, including the provision of a suitably qualified Occupational Health Physician, in consultation with the Chief Operating Officer as long as it is within the existing budget provision.</p>
16.	<p>To discharge delegations afforded to a Head of Service in the absence of the relevant Head of Service apart from those relating to finance functions afforded to the Head of Finance and Property (s151 officer). (from 17.01.23)</p>

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

1.	The Chief Executive, Chief Operating Officer 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 Heads of Service to respond on behalf of the Council to future Government Consultation Papers in consultation with the Chief Executive or Chief Operating Officer as relevant, 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, Chief Operating Officer, Head of Legal and Democratic Services, Head of Finance & Property, and 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:

	<p>(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;</p> <p>(ii) Ensuring compliance with RIPA and any relevant Codes of Practice;</p> <p>(iii) Engaging with Commissioners and Inspectors of the Office of Surveillance Commissioners; (iv) Overseeing the implementation of any post-inspection action plans recommended or approved by any such Commissioner; and</p> <p>(v) Setting the terms of the Council's Corporate RIPA Policy (and modifying, amending or otherwise updating the Policy), in consultation with the Leader.</p>
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 make applications to the Home Secretary for consent to make Orders under the Public Order Act 1986 upon such terms as the Head of Legal and Democratic Services 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 Legal and Democratic Services deems appropriate. The authorisation includes the making of any appropriate Orders following the receipt of any consent of the Home Secretary.
14.	To be the Council's Proper Officer for the maintenance of a list of politically restricted posts.
15.	To confirm unopposed compulsory purchase orders which are referred to the Council for confirmation by the Secretary of State for Housing, Communities and Local Government.
16.	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 Chief Executive (provided that the subject matter of the indemnity has previously been given Council approval)
17.	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
18.	To discontinue any proceedings brought by the Council and to compromise or settle any claim or appeal or proceedings made by or against the Council arising out of or in the course of or in contemplation of legal proceedings.
19.	To determine if and to what extent ex-gratia payments should in any particular case be made by the Council.



20.	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
21.	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.
22.	Delegation to the Head of Legal and Democratic Services/ Head of Housing & Development Control/Strategic Head of Economy and Growth / 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.
23.	To be designated as the Information Governance Manager.
24.	To take such actions in relation to the management, affairs and administration of any company in which the Council has a legal or equitable interest including, but not limited to, the taking of any action and/or proceedings relating to the liquidation/dissolution of any such company.
25.	To execute all documents necessary to give effect to Executive decisions.

26.	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.
27.	Use of Burnley Town Hall - To determine applications for use in accordance with Council policy
28.	Borough Coat of Arms - To determine applications for use in accordance with Council policy.
29.	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>
30.	Replacement of Mayor's Car - In consultation with the Executive member to deal with the replacement of the Mayor's car
31.	Corporate Hospitality Budget - To control the Corporate Hospitality budget in consultation with the Executive member.
32.	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.
33.	To make minor amendments to the list of appointments to outside bodies, in consultation with Group Leaders
34.	To make any subsequent adjustment of Executive qualifications for Outside Bodies in line with Executive portfolios specified by the Leader.
35.	To make any in year appointments to Committees and Working Groups according to the political balance calculation, in consultation with relevant Group Leaders, to the extent not precluded by law.
36.	Power to authorise officers: <p>(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</p> <p>(b) to issue and serve Statutory Demands under the Insolvency Act 1986.</p>

	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
37.	Power to authorise contractors to undertake functions pursuant to The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996
38.	Licensing <ul style="list-style-type: none"> <li>• Town &amp; Police Clauses Act 1847</li> <li>• Local Government (Miscellaneous Provisions) Act 1976 Part II</li> </ul>
39.	To exercise termination rights contained in contracts, in consultation with the relevant Executive Member.
40.	To act as the appeals officer for the Assets of Community Value Panel in the event of a review of a decision being requested (from 190321).

	<b><u>Senior Solicitor -previous delegations as per paras 36 and 37 of HLDS removed from 190321</u></b>
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### **Strategic HR Manager (SHRM)**

1.	<p><u>Transferred from Head of People and Development - Effective on 1st April 2019</u></p> <p>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.</p>
2.	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 provision exists.
3..	<p>To agree requests for secondments internally within the Council -or to or from external organisations in consultation with the relevant Head of Service unless this relates to a Chief Officer when consultation will be required to be undertaken with the relevant Executive Member(s) and the:</p> <ul style="list-style-type: none"> <li>• Chief Operating Officer for secondments relating to Heads of Service</li> <li>• Chief Executive for secondments relating to the Chief Operating Officer</li> </ul>
4.	To agree or otherwise the availability of suitable alternative employment, when dealing with medical retirements.
5.	To authorise all honoraria payments, in consultation with the relevant Head of Service or Chief Executive or Chief Operating Officer as relevant
6.	To make decisions on the acceleration of increments within grades in consultation with the s151 Officer and Chief Operating Officer
7.	Agree the regrading and redesignation of posts in consultation with the s151 Officer and Chief Operating Officer where this can be achieved within existing budget provision.

8.	The establishment and deletion of NJC graded posts within the Council's establishment wherever this can be achieved within the existing budget provision in consultation with the Chief Operating Officer and Section 151 Officer.
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## **Head of Finance and Property**

1.	The Chief Executive, Chief Operating Officer, 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 Heads of Service to respond on behalf of the Council to future Government Consultation Papers in consultation with the Chief Executive or Chief Operating Officer as relevant, 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, Chief Operating Officer, Head of Legal and Democratic Services, Head of Finance and Property, 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.	To determine Discretionary Relief Appeals for the following reliefs; <ul style="list-style-type: none"> <li>• Retail</li> <li>• Re-occupation</li> <li>• New Build</li> <li>• Local Transitional</li> </ul>
<b>AS SECTION 151 OFFICER</b>	
12.	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.
13.	To establish budgets for external funding where there is no effect on the Council's budget in consultation with the Executive Member for Resources and Performance Management.
14.	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.
15.	Delegated authority in relation to write off of irrecoverable debts as follows, in accordance with the Policy for Write-off of Irreccoverable Debts, : <p style="margin-left: 40px;">Category One            Liberata</p> <p style="margin-left: 40px;">Category Two            Section 151 Officer</p> <p style="margin-left: 40px;">Category Three        Section 151 Officer in consultation with the Executive Member for Resources and Performance Management and the Chair of the Scrutiny Committee</p>
16.	To take operational Treasury Management decisions consistent with the Council's Treasury Management Strategy and Policy Statement
17.	To determine Discretionary Relief Applications 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>
18.	To determine applications for:

	<ol style="list-style-type: none"><li>1. reductions in the level of Council Tax under s13a Local Government Finance Act 1992</li><li>2. discretionary housing payments</li><li>3. exceptional hardship payments for Council Tax Support</li></ol>
19.	All powers relating to and incidental to the administration of the financial affairs of the Council.
20.	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.



	PROPERTY –ASSET MANAGEMENT
21.	To agree terms for the acquisition and disposal of properties using Housing Act 1985 and the General Housing Consents 2013 and General Consent 2015 Powers in consultation with the Executive Member for Resources and Performance Mangement and in accordance with the current Empty Homes Policy.
22.	To acquire properties by agreement ahead of the making of Compulsory Purchase Orders in consultation with the Leader of the Council and where a Compulsory Purchase order has been made to agree compensation for any claims received.
23.	<p>PROPERTY TRANSACTIONS-ASSET MANAGEMENT</p> <p>Where the Executive is being asked to consider the acquisition of an interest in property, the Head of Service shall submit an estimate of the likely costs involved and other relevant considerations and after the decision to proceed is taken, shall have authority to:</p> <ul style="list-style-type: none"> <li>• Negotiate and settle terms provided that the total cost does not exceed the approved estimate; or</li> <li>• Where the total cost exceeds the estimate by 10% or less, after consultation with the relevant Executive member(s) and the Head of Finance and Property</li> </ul>
24.	Where the Executive is considering a disposal of its interest in property, the Head of Service shall submit an estimate of the market value and any other relevant considerations and after the decision to proceed is taken, provided the price is within 10% of the estimate and other terms agreed are substantially in accordance with the details previously reported, shall have the authority to authorise the disposal without further reference to the Executive.
25.	To take or grant new leases, licenses or other arrangements of seven years or less (provided that the rent reserved is that available in the open market and the valuation of the property transaction has not been undertaken by the Head of Service) with an annual rental value of less than £25,000 subject to an annual report to the Chief Executive and Executive Member for Resources and Performance Management.
26.	Where the Executive has given authority for negotiations to be entered into for the taking or granting of a lease, license, wayleave, easement or other interest in land or where the land or premises have been previously let or licensed by the Council, to:

	<ul style="list-style-type: none"> <li>➤ 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 annual report to the Chief Operating Officer and Executive Member for Resources and Performance Management 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</li> </ul> <p>provided that the rent reserved is that available in the open market and the valuation of the property transaction has not been undertaken by the Head of Service.</p>
27.	To dispose of land and property up to a maximum value of £50,000 provided this is undertaken in accordance with the approved property disposals framework and that the valuation of the transaction has not being undertaken by the Head of Service.
28.	Accepting the transfer of land as part of Public Open Space proposals.
29.	To dispose of land and property up to a maximum value of £100,000 in consultation with the Executive Member for Resources and Performance Management provided the disposal is undertaken in accordance with the approved property disposals framework and the valuation of the transaction has not been undertaken by the Head of Service.
30.	In consultation with the Chief Executive, to bid at auction for and contract to buy properties included in approved Council acquisition programmes up to a price of £100,000 each.
31.	That in consultation with the Leader, Chief Executive, and Head of Finance and Property to bid at auction for and contract to buy properties not included in the approved Council acquisition programme up to a price of £100,000 each.
32.	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.
33.	Power to authorise contractors to undertake functions pursuant to The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996
34.	To take or grant utility easements in consultation with the Executive Member for Resources and Performance Management.

35.	To execute all documents necessary to give effect to Executive decisions limited to Executive Decisions.
36.	<p>To oversee and deal with the day-to-day management of the Charter Walk Shopping Centre including (without limitation):</p> <p>36.1 The grant, renewal and variation of leases of individual units at the shopping centre provided that the rent reserved is at market rent and/or best consideration in the circumstances</p> <p>36.2 Dealing with routine tenancy matters including (without limitation) licences to assign, alterations, service charge related matters and dilapidations</p> <p>36.3 The grant of wayleaves and easements</p> <p>36.4 Issuing relevant landlord and tenant notices including (without limitation) s25 and s27 LTA 1954 Act Notices</p> <p>36.5 The maintenance and repair of the shopping centre including letting contracts for the maintenance and repair of the same</p>
37.	The grant, renewal and variation of contracts to facilitate the day-to-day management of the Charter Walk shopping centre (including (without limitation) the appointment of the Strategic Asset Manager and Asset Manager) in consultation with the Head of Economy and Growth
38.	The grant, renewal and variation of contracts for the provision of services to the Charter Walk shopping centre including (without limitation) utilities, waste management, security, cleaning, facilities and/or plant management in consultation with the Head of Economy and Growth
39.	To approve the annual business plan and/or annual service charge for the Charter Walk shopping centre in consultation with the Head of Economy and Growth and the Executive Member for Resources and Performance Management
40.	To take all other decisions and carry out all other actions in relation to the day to day management of the Council's property portfolio that are not expressly delegated to the Head of Finance and Property or any other officer.

**Principal Accountant**

To determine Discretionary Relief Applications for the following reliefs;

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

**Internal Audit Manager**

To be designated as the Council's Data Protection Officer

**Property Services Manager**

PROPERTY

To be the Responsible Person for the Council's Legionella Policy

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.

**Principal Development Surveyor**

1. PROPERTY-FACILITIES MANAGEMENT

To be the Deputy Responsible Person for the Council's Legionella Policy

| [180123-220223](#)

### **Head of Green Spaces & Amenities**

1.	The Chief Executive, Chief Operating Officer, 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 Heads of Service to respond on behalf of the Council to future Government Consultation Papers in consultation with the Chief Executive and Chief Operating Officer as relevant, 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 Legal and Democratic Services, 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 Legal and Democratic Services/ Head of Housing & Development Control/Strategic Head of Economy and Growth /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 from the collection at Towneley Hall Museum and Art Gallery where standard conditions of loan apply (i.e. security transport, environmental conditions and insurance arrangements) as set out in the Towneley Hall Museum & Art Gallery Loan Agreement, and to deal with loans from the collection at Towneley Hall Museum and Art Gallery where standard conditions of loan do not apply after consultation with the relevant 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 £3,000.
20.	To purchase exhibits up to a value of £5,000, in consultation with the Executive Member for Community Services

## Head of Streetscene

1.	The Chief Executive, Chief Operating Officer 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 Heads of Service to respond on behalf of the Council to future Government Consultation Papers in consultation with the Chief Executive and Chief Operating Officer as relevant, 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, Chief Operating Officer, Head of Legal and Democratic Services, Head of Finance and Property, and 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	To be authorised to implement the Council's duties in relation to Part IIA of the Environmental Protection Act 1990
15.	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.
16.	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.
17.	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.
18.	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.
19.	All Public Health Issues under any relevant statutory provision contained in the Public Health Act 1936
20.	All Pest Control issues under any relevant statutory provision contained in the Prevention of Damage by Pests Act 1949.
21.	All issues relevant to dogs contained in the Control of Dogs Order 1992, The Dangerous Dogs Act 1991 and Anti-Social Behaviour, Crime and Policing Act 2014.
22.	All issues relating to abandoned vehicles under any relevant statutory provision contained in the Refuse Disposal (Amenity) Act 1978 and ancillary regulations.
23.	All issues relating to emergency powers under any relevant statutory provision contained in the Local Government (Miscellaneous Provisions) Act 1982 and 2003
24.	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.

25.	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.
26.	Delegation to the Head of Legal and Democratic Services / Head of Housing & Development Control/Strategic Head of Economy and Growth / 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
27.	ENVIRONMENT  All relevant issues under statutory provisions contained within The Refuse Disposal (Amenity) Act 1978 – The whole Act
28.	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)

29.	<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>
30.	<p><b>Environmental Protection:</b></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 Council is the enforcing authority as detailed in Part I, II, IIa, III, IV, VIII and IX of the Act</li> <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 III and 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>
31.	<p><b>Food Safety / infectious disease</b></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> </ul>

	<ul style="list-style-type: none"> <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>
32.	<p>Animal Welfare:</p> <ul style="list-style-type: none"> <li>• The Zoo Licensing Act 1981</li> <li>• The Zoo Licensing Act 1981 (Amendment) (England &amp; Wales) Regs 2002</li> </ul>
33.	<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 enforcing authority as detailed in Parts I and II of the Act</li> <li>• Cooling Towers &amp; Evaporative Condensers (Regulations) 1992</li> <li>• Sunbeds (Regulation) Act 2010</li> </ul>
34.	<p>Licensing</p> <ul style="list-style-type: none"> <li>• Gambling Act 2005</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>
35.	<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>•</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> </ul>

	<ul style="list-style-type: none"> <li>• Sustainable and Secure Buildings Act 2004 Section 7</li> <li>• Health Act 2006</li> </ul>
36.	To appoint UK Health Security Agency consultants as Proper Officers for the purposes of The Public Health (Control of Disease) Act 1984 and regulations made thereunder, and the Health Protection (Notification) Regulations 2010, for the purposes of regulations 2, 3 and 6.
37.	<p>To undertake the following functions in relation to the Scrap Metal Dealers Act 2013</p> <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>
38.	To execute all documents necessary to give effect to Executive decisions.
39.	To be the Council's Child Protection Officer in relation in relation to the Children's Act 2004 (from 0402210, in place of the Community Safety Manager).

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

1.	The Chief Executive, Chief Operating Officer, 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 Heads of Service to respond on behalf of the Council to future Government Consultation Papers in consultation with the Chief Executive or Chief Operating Officer as relevant, 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 / traveling 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 and the Mobile Homes Act 2013.
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 Legal and Democratic Services / Head of Housing & Development Control/Strategic Head of Economy and Growth / 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 2004 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.	To authorise Officers for the purpose of section 172 of the Housing and Planning Act 2016 and to serve notice of intention to enter land in exercise of the power conferred by that section.'
26.	To apply for a warrant under section 173 of the Housing and Planning Act 2016 (authorising a person to use force in the exercise of the power conferred by section 172)1) of the Housing and Planning Act 2016).
27.	To take all steps necessary to exercise and/or discharge the Council's functions, powers and duties under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, as amended.
28.	To take all steps necessary to exercise and/or discharge the Council's functions, powers and duties under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
29.	<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 and the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
30.	To vary or revoke a licence for a HMO in accordance with Part 2 of the Housing Act 2004
31.	To grant (with conditions) or refuse Licences or Temporary Exemption Notices in accordance with Part 3 of the Housing Act 2004.



32.	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.
33.	To vary or revoke interim and final management orders in accordance with Part 4 of the Housing Act 2004.
34.	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.
35.	To exercise all the powers relating to the application and enforcement of Rent Repayment Orders under the Housing Act 2004 including the service of any statutory notices in connection therewith
36.	To vary or revoke interim and final empty dwelling management orders in accordance with Part 4 of the Housing Act 2004.
37.	To serve an Overcrowding Notice in relation to an HMO in accordance with Part 4 of the Housing Act 2004
38.	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
39.	To exercise all powers to issue, use and enforce civil penalties as detailed in the Housing and Planning Act 2016 (and any regulations made there under
40.	To exercise all powers to issue, use and enforce rent repayment orders as detailed in the Housing and Planning Act 2016 (and any regulations made there under).
41.	To exercise all powers to in relation to the Rogue Landlord Database and issue, use and enforce Banning Orders as detailed in the Housing and Planning Act 2016 (and any regulations made there under).
42.	<p><u>Financial Assistance</u></p> <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> </ul>

	<ul style="list-style-type: none"> <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>
43.	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
44.	<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>
45.	To acquire residential property 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 or lease. All properties to be agreed in consultation with the Executive Member for Housing and Leisure.
46.	To authorize Officers for the purposes of section 219 of the Town and Country Planning Act 1990
47.	To exercise the power of sale conferred by section 101 of the Law of Property Act 1925 and to serve any statutory notice in connection with the exercise of that power
48.	Notwithstanding a delegation to any other Head of Service, to exercise the Council's statutory powers and functions in Part III of the Building Act 1984 including, but not limited to, serving notices, obtaining warrants and authorising officers for the purpose of those powers and functions
49.	To exercise all discretionary powers in relation to the Tenant Fees Act 2019
50.	<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>
51.	<p><u>Housing Advice</u></p> <p>To carry out the Council's powers and duties (including the granting and termination of licences to occupy residential accommodation) in relation to homelessness and the Housing Register.</p>

52.	<b><u>DEVELOPMENT CONTROL</u></b>  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.
53.	To provide/supply copies of planning applications and plans
54.	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.
55.	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
56.	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.
57.	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
58.	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.

**(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 Chair and Vice-Chair of the Committee shall not be either an Executive Member nor the Chair of Scrutiny Committee.

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 the Chief Operating Officer, 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.

i) The Chief Audit Executive or his representatives will have free and confidential access to the Chair of the Audit and Standards Committee. Members of the Audit and Standards Committee have free and confidential access to the Chief Audit Executive or his representatives. (from 28.09.22)

j) To consider the arrangements for Strategic Risk Management. (from 28.09.22)

#### 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).

To act as a Forum for the discussion of matters relating to how Members and officers work together.

To deal with all matters 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 the Chief Executive and Chief Operating Officer, 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 Darwen 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 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.

**(g) ASSETS OF COMMUNITY VALUE**

This Panel will determine whether, in response to a community nomination, land or property should be included in the Council's list of community value.

Corporate Policy Officer,  
Property Services Manager  
Head of Housing and Development Control

Also, the Head of Legal and Democratic Services be given delegated authority to act as the appeals officer in the event of a review of a decision being requested (from 190321, in place of the Senior Solicitor).