

9.2 Scheme of Delegation to Officers

INTRODUCTIONS AND PERMISSIONS

Introduction

1. The West Northamptonshire Council has adopted vision and values supporting a Corporate Plan. To support the delivery of the Corporate Plan, managerial and operational decisions are taken, within a framework of democratic accountability, at the most appropriate level, which is usually the closest point of contact to the citizen. This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council's services within the Budget and Policy Framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Council's management team.

Overall Limitations

2. Any exercise of delegated powers is subject to the following overriding limitations.

Member Consultation

3. Officers set out in the scheme are expected to:
 - (a) maintain a close liaison with the appropriate portfolio holder or in their absence the Leader;
 - (b) consult relevant portfolio holders when exercising temporary or project specific delegations;
 - (c) ensure the Ward Councillor(s) is/are consulted or advised of the exercise of any delegated powers that particularly affect their area ; and
 - (d) ensure that the Chief Executive (Head of Paid Service), Executive Director of Finance (s.151 Officer) and the Director of the Legal and Democratic (Monitoring Officer) are consulted and advised of any decisions as necessary.
4. Portfolio holders for the relevant area should be consulted on the exercise of a delegated power in all cases where:
 - (a) there is likely to be opposition from members of the public;
 - (b) where there are political sensitivities;
 - (c) there is likely to be media (including social media) interest; or
 - (d) expenditure is unusual for the Budget area.

- (e) a consultation concerning a decision that is likely to result in any of the criteria set out in (a) to (d) above being met is planned.
5. Before exercising any delegated power, officers must consider whether to consult with the relevant portfolio holder on the exercise of delegated powers or not to exercise delegated powers but to refer the matter to the relevant member or member body to decide.
 6. The Leader or any Cabinet Member may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate member body for a decision.
 7. This does not limit the general requirements set out elsewhere in the constitution to consult with relevant ward members, scrutiny chairs and interested groups in reaching decisions.

Reservations

8. The scheme does not delegate to officers:
 - (a) any matter reserved to full Council;
 - (b) any matter which by law may not be delegated to an officer;
 - (c) any Key Decision; or
 - (d) any matter expressly withdrawn from delegation by the Council, committees, Leader or Cabinet.

Restrictions

9. Any exercise of delegated powers is subject to
 - (a) any statutory restrictions;
 - (b) the Budget and Policy Framework;
 - (c) any provision contained in this Constitution including the Procedure Rules;
 - (d) any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
 - (e) any policy set by the Council or its committees, the Cabinet or the Chief Executive; and
 - (f) the Code of Conduct for Employees.

Permissions

10. This scheme delegates to the Assistant Chief Executive, Executive Directors and Directors all the powers and duties relevant to those areas of responsibility detailed within the areas of responsibility below that rest with the Council or which have been delegated or granted to the Council, subject to the limitations, restrictions, reservations and requirements for consultation set out above. This includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation including but not limited to:

a. Powers in relation to staff

Take any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment except as detailed in the Staff and Employment Exceptions chart.

b. Powers in relation to contracts and property

Powers in relation to contracts and property agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and in relation to property to acquire, dispose of, let and licence except as detailed in the Contracts and Property Exceptions Charts.

c. Powers in relation to planning

Powers to determine applications, grant permission, refuse permission, to publicise applications, to comment or make representations on applications, notifications and consultations, to raise objections, to require documentation and information, to take appropriate action on enforcement, to negotiate, complete, vary, discharge or amend planning obligations and agreements, process and determine all decisions relating to neighbourhood planning under the Localism Act 2011, other than as detailed in the Legal Exceptions Chart.

d. Powers in relation to finance

Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods, or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, except as detailed in the Finance Exceptions Chart.

e. Powers in relation to legal action

Powers to authorise, appoint or nominate officers and to investigate, prosecute, enforce, lay informations, require individuals to disclose information, serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices, including fixed penalty notices and serve documents, make prohibition orders, suspend or vary a prohibition order, take emergency remedial action, carry out works in default, issue certificates, issue consents, issue and grant licenses and license applications, issue permits, refuse, vary or revoke licensing applications, issue temporary exemption notices, obtain, introduce, operate, amend, extend, vary and revoke orders, impose conditions, introduce and maintain registers, exercise powers of entry without force, apply for a warrant, make, vary or revoke and in relation to land relevant to service functions to note applications for licences, planning, consents and approvals, a declaration and grant, vary, revoke and attach conditions to consents, except as detailed in the Legal Exceptions Chart.

The Chief Executive

11. The Chief Executive may carry out the powers and duties of the Assistant Chief Executive and Executive Directors and Director of Legal and Democratic in their absence or in consultation with them and will also have the following additional powers:

- (a) to carry out the powers and duties of any of the officers in their absence or in consultation with them;
- (b) to incur expenditure in the event of a civil emergency;
- (c) in cases of emergency to take any decision which could be taken by the Council, the Cabinet or a committee, in consultation with the Leader; emergency to include cases which fall short of a declared emergency but are nevertheless situations in which there will be a risk of significant detriment to the wellbeing of residents if action is not taken.
- (d) to alter the areas of responsibility of the Assistant Chief Executive, Executive Directors and Directors set out in the Areas of Responsibility section of this scheme;
- (e) to make arrangements for the appointment of Chief Officer roles and to make appointments to Deputy Chief Officer roles.
- (f) to agree the Human Resources Policies following relevant consultation.
- (g) to make any changes necessary to the Employee Code of Conduct following relevant consultation.

The Monitoring Officer

12. The Monitoring Officer has delegated authority to:

- (a) grant dispensations to councillors in accordance with the Localism Act 2011 with the power to refer any request for a dispensation back to the Democracy and Standards Committee.
- (b) To make consequential amendments to the Constitution to give effect to a lawful decision; as a direct consequence of a change made outside the council e.g. a change in legislation and to correct an error or resolve an inconsistency. All such changes to be reported to Council.
- (c) To Interpret the Constitution where the meaning is uncertain or there is a dispute about its meaning.

The Section 151 Officer

13. In addition to any powers delegated under section 2.10 above the Section 151 Officer has delegated authority to carry out those responsibilities set out as delegated to them in the Financial Procedure Regulations within this Constitution.

14. The Section 151 Officer has delegated authority to:

- (a) Manage the Council's responsibilities in its capacity as Lead Authority (in conjunction with North Northamptonshire Council) in providing the following services to other councils in accordance with a Shared Services Agreement dated 16 April 2016 made between Cambridgeshire County Council, Northamptonshire County Council, and Milton Keynes Council ('the "Agreement'):
 - (i) Business Systems
 - (ii) Performance and Governance
 - (iii) HR transactions and payroll
 - (iv) Pensions
- (b) Negotiate the Shared Services Plan required by the Agreement and make recommendations to the Councils party to that Agreement as to the provision of financial and other resources.
- (c) Authorise and manage delegations to other Councils made in accordance with the Agreement, including:
 - (i) Internal Audit and Risk Management
 - (ii) Insurance Services

(iii) Accounts Payable and Finance Helpdesk

(iv) Debt and Income

Assistant Chief Executive and Executive Directors and Director

15. The Assistant Chief Executive, Executive Directors and Directors may carry out the powers and duties of any direct reports within their area of responsibility in their absence or in consultation with them.

Officer Delegation

16. West Northamptonshire Council operates an 'executive' form of governance, under which most decisions are taken by a Leader and a small Executive or Cabinet of elected members. These members take decisions on executive functions. Other decisions - non-executive decisions - are taken by full Council, committees and sub-committees. In both cases, decisions can be delegated to officers. The non-executive functions are listed in legislation, principally The Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and includes decisions by full Council and committees on planning, licensing, staffing, audit, member conduct and other miscellaneous matters. Anything not in the list is an executive function.

17. Any delegation to an officer includes authority for any further delegation within the relevant Area of Responsibility. Officers shall devolve responsibilities for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

Recording and Publishing Officer Decisions

18. This protocol establishes a system to document certain decisions taken by officers under delegated authority.

Types of officer decisions

19. An 'Executive decision' is one made in connection with the discharge of a function which is the responsibility of the Leader and Cabinet and which has been delegated to officers.

20. A 'Non-Executive decision' is one made in connection with the discharge of a function that is the responsibility of Full Council and its committees and which has been delegated to officers.

21. The significance of decisions taken under delegated powers will vary, and officers authorised to make delegated decisions need to exercise judgment in determining whether decisions are significant enough to require formal recording and publishing.

22. Although administrative and operational decisions are not required to be formally reported, they must be recorded within the service area so as to provide an audit trail.

23. Key Decisions, Material Decisions, Significant Decisions and Urgent Decisions are defined below:

24. **Key Decisions** are Executive decisions that are likely to:

- (a) result in expenditure or savings of £500k or more; or
- (b) have a significant effect on communities living or working in an area comprising two or more wards.

25. **Material Decisions** are Executive decisions (other than purely operational or administrative in nature) taken by officers under delegated powers by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of Delegation:

- (a) That are contentious, controversial or politically sensitive; or
- (b) Where there is likely to be a strong public interest; or
- (c) Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or
- (d) Raise new issues of policy

26. **Significant Decisions** are Non-Executive decisions (other than purely operational or administrative in nature) taken by officers under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and having wide public impact/interest; where the effect of the decision:

- (a) is to grant a permission or licence
- (b) affects the legal rights of an individual
- (c) is to award a contract or incur expenditure which 'materially' affects the authority's financial position

27. **Urgent Decisions** are decisions made in circumstances where:

- (a) a decision is required by statute or otherwise within a specified timescale; or
- (b) any delay likely to be caused by not making the decision would seriously prejudice the Council's or the public's interests; or
- (c) any delay likely to be caused by not making the decision would be likely to expose the Council, its members or the public to a significant level of risk, loss, damage or disadvantage

28. The following types of officer decision must be formally recorded and published subject to the exceptions set out:

Type of Officer Decision	Exception	Publication
<p>Key Decisions</p> <p>Executive decisions that are likely to result in spending or savings that are 'significant':</p> <ul style="list-style-type: none"> • in relation to the budget for the service or function in question or • in terms of the effect on communities living or working in two or more electoral divisions 	<p>Officers are only to take Key Decisions under the urgency provisions.</p>	<p>As soon as reasonably practicable after an officer has made a Key, Material or Significant decision, they must produce a written statement, available for inspection at County Hall and published on the Council's website, that includes details of:</p> <ul style="list-style-type: none"> • the decision and the date it was made; • the reasons for it;
<p>Material Decisions</p> <p>Executive decisions under powers delegated by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of Delegation:</p> <ul style="list-style-type: none"> • That are contentious, controversial or politically sensitive; or • Where there is likely to be a strong public interest; or • Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or • That raise new issues of policy. 	<p>Does not apply:</p> <p>(i) To routine operational, organisational or administrative decisions;</p> <p>(ii) Where the expenditure or saving has already been approved by Cabinet or Cabinet Member and the decision has been published;</p> <p>(iii) Confidential or Exempt Information; or</p> <p>(iv) Where the expenditure or saving is already recorded and published under separate statutory requirements.</p>	<ul style="list-style-type: none"> • any alternative options considered and rejected; • any conflicts of interests declared by any Cabinet Member consulted by the officer and any dispensations granted by the Chief Executive in respect of any declared conflict; • the report considered by the decision-maker; • any background documents disclosing facts or matters on which the decision was based and which were relied on to a material extent in making the decision.
<p>Significant Decisions</p>	<p>Does not apply:</p>	<p>The decision record must be kept for inspection for 6 years and the background papers for 4 years.</p>

<p>Non-Executive decisions under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and having wide public impact/ interest; where the effect of the decision:</p> <ul style="list-style-type: none"> • is to grant a permission or licence • affects the legal rights of an individual • is to award a contract or incur expenditure which 'materially' affects the authority's financial position 	<p>(i) To routine operational, organisational or administrative decisions;</p> <p>(ii) Confidential or Exempt information;</p> <p>(iii) Where the date, details of and reasons for the decision are already required to be produced under a statutory requirement;</p> <p>(iv) If only the rights of an individual or business are affected, unless there is a wider public impact/ interest in the action.</p>	
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AREAS OF RESPONSIBILITY

See Management Structure charts above for a detailed list of functions. Further details of the contents of each heading is in the list held by the Chief Executive, which they have authority to change and responsibility for keeping up to date.

Chief Officer	Main Functions and Areas of Responsibility
<p>Assistant Chief Executive</p>	<ul style="list-style-type: none"> • Communications and Engagement • Policy and Performance • Business Intelligence • Executive Support • Lord Lieutenant Support
<p>Executive Director of People Services (DASS)</p>	<ul style="list-style-type: none"> • Commissioning and Performance • Adults Services • Safeguarding and Wellbeing • Public Health
<p>Director of Children's Services (DCS)</p>	<ul style="list-style-type: none"> • Children's Social Care • Education • Commissioning and Partnerships
<p>Executive Director of Corporate Services</p>	<ul style="list-style-type: none"> • Human Resources • Programme Management Office • Customer and Emergency Planning • Digital, Technology and Innovation • Legal and Democratic

Executive Director Finance	<ul style="list-style-type: none"> • Finance and Accountancy • Finance and Strategy • Audit and Risk • Revenues and Benefits • Procurement • Pensions
Executive Director Place Economy and Environment	<ul style="list-style-type: none"> • Regulatory Services • Highways and Waste • Assets and Environment • Growth, Climate & Regeneration • Housing and Communities
Director of Legal and Democratic	<ul style="list-style-type: none"> • Registration of Births, Marriages and Deaths • Coroners • Elections Administration • Legal and Democratic Services • Information Governance
Director of Public Health	<ul style="list-style-type: none"> • Public Health • Intelligence and Local Sustainability and Transformation Partnerships • Management & Commissioning • Wellbeing Advisors • Adults Learning
Director of Communities and Opportunities	<ul style="list-style-type: none"> • Community Partnerships • Housing, Communities, Sport & Leisure • Adult Learning • Regeneration & Economic Development • Libraries • Culture

A. EXCEPTIONS – CONTRACTING

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme)

All contracts and procurement must be in accordance with the Contract Rules in Part 9.6

***Contract value is over the whole contract and any extension provision not the annual spend**

Process	Regulation Threshold and above	Over £100,000 up to Regulations Threshold	Over £25,000 up to £100,000	£5,000 up to £25,000	Under £5000
1. Pre-Procurement Authorisation	Officer in consultation with the Head of Procurement and.	Officer in consultation with Head of Procurement PGG Group.	Officer. Executive Process if Key Decision.	Officer. Executive Process if Key Decision.	Officer. Executive Process if Key Decision.

	PGG Group. Executive Process if Key Decision	Executive Process if Key Decision			
2. Advertising	Officer in consultation with Head of Procurement	Officer in consultation with Head of Procurement	Officer must publish Award Notice in consultation with Head of Procurement	Advertising is optional if undertaken (completed by the Officer)	Advertising is optional if undertaken (completed by the Officer)
3. Procurement Process	Head of Procurement must be consulted	Head of Procurement must be consulted	Officer	Officer	Officer
4. Contract Terms	Written contract signed/sealed. Terms approved and contract prepared by Director of Legal and Democratic.	Written contract signed/sealed. Terms approved and contract prepared by Director of Legal and Democratic.	Written contract signed by one Chief Officer or Officer with appropriate authority to enter into a Contract. Standard terms approved by Director of Legal and Democratic.	Officer Contract terms issued via purchase order.	Officer Contract terms issued via purchase order.
5. Contract Register	Officer creates and updates contract entries on to the council's central	Officer creates and updates contract entries on to the council's central contract register.	Officer creates and updates contract entries on to the	Officer creates and updates contract entries on to the	Officer creates and updates contract entries on to the

	<p>contract register. Chief Officer is responsible for upkeep of all contracts on the contract register for their service area.</p> <p>Head of Procurement facilitates the contract register system</p>	<p>. Chief Officer is responsible for upkeep of all contracts on the contract register for their service area.</p> <p>Head of Procurement facilitates the contract register system</p>	<p>council's central contract register. Chief Officer is responsible for upkeep of all contracts on the contract register for their service area.</p> <p>Head of Procurement facilitates the contract register system</p>	<p>council's central contract register. Chief Officer is responsible for upkeep of all contracts on the contract register for their service area.</p> <p>Head of Procurement facilitates the contract register system</p>	<p>council's central contract register. Chief Officer is responsible for upkeep of all contracts on the contract register for their service area.</p> <p>Head of Procurement facilitates the contract register system</p>
6. Framework Agreements or DPSs	Officer and Head of Procurement. Executive Process if Key Decision	Head of Procurement. Executive Process if Key Decision	Officer. Executive Process if Key Decision	Officer. Executive Process if Key Decision	Officer. Executive Process if Key Decision
7. Authority to Waive Contract Procedure Rules	<p>Chief Officer, Head of Procurement, s.151 Officer and Monitoring Officer must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer, Head of Procurement, s.151 Officer and Monitoring Officer must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer, Head of Procurement and s.151 Officer must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer.</p> <p>Executive Process if Key Decision</p>

<p>8. Authority to waive Contract Procedure Rules in relation to an IT Contract</p>	<p>Chief Officer, Head of Procurement, s.151 Officer, Monitoring Officer and IT Chief Information Officer must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer, Head of Procurement, s.151 Officer, Monitoring Officer and IT Chief Information Officer must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer, Head of Procurement, s.151 Officer and IT Chief Information Officer must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer and IT Chief Information Officer.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer and IT Chief Information Officer.</p> <p>Executive Process if Key Decision</p>
<p>9. Authority to waive Contract Procedure Rules in relation to an agency contract</p>	<p>Chief Officer, Head of Procurement, s.151 Officer, Monitoring Officer and Opus/HR Business Partner must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer, Head of Procurement, s.151 Officer, Monitoring Officer and Opus/HR Business Partner must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer, Head of Procurement, s.151 Officer and Opus/HR Business Partner must all approve the waiver.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer and Opus/HR Business Partner.</p> <p>Executive Process if Key Decision</p>	<p>Chief Officer and Opus/HR Business Partner.</p> <p>Executive Process if Key Decision</p>
<p>10. Emergencies</p>	<p>Chief Officer on advice of Head of Procurement, s.151 Officer and Monitoring Officer. If Key Decision</p>	<p>Chief Officer on advice of Head of Procurement, s.151 Officer and Monitoring Officer. If Key Decision Executive Process.</p>	<p>Chief Officer on advice of Head of Procurement, s.151 Officer and Monitoring Officer</p>	<p>Chief Officer on advice of Head of Procurement, s.151 Officer and Monitoring Officer</p>	<p>Officer</p>

	Executive Process.		If Key Decision Executive Process.	If Key Decision Executive Process.	
10. Apply an exemption – use of negotiated procedure	Officer on advice of Head of Procurement and if Key Decision Cabinet	Officer on advice of Head of Procurement and if Key Decision Cabinet	Officer on advice of Head of Procurement	Officer on advice of Head of Procurement	Officer on advice from Head of Procurement
11. Notification of Award	Officer on advice of Head of Procurement	Officer on advice of Head of Procurement	Officer	Officer	Officer
12. Contract Variations (material change)	Not permitted. A new Procurement is required.	Officer with the agreement of Director of Legal and Democratic	Officer with the agreement of Director of Legal and Democratic	Officer with the agreement of Director of Legal and Democratic	Officer with the agreement of Director of Legal and Democratic
13. Non recovery of liquidated damages/settlement of formal claims	Director of Legal and Democratic and with the approval of s.151 Officer.	Director of Legal and Democratic and with the approval of s.151 Officer.	Officer with the approval of s151 Officer and Monitoring Officer.	With the agreement of the Executive Director	With the agreement of the Executive Director
14. Extension of Fixed Term Contracts with option to extend	With the agreement of Head of Procurement and Director of Legal and Democratic. If over the Key Decision threshold, Cabinet approval may be required.	With the agreement of Head of Procurement and Director of Legal and Democratic.	With the agreement of Head of Procurement and Director of Legal and Democratic.	With the agreement of Head of Procurement and Director of Legal and Democratic.	With the agreement of Head of Procurement and Director of Legal and Democratic.
15. Termination of Contract	Termination prior to its expiry date without first obtaining	Authorised Officer in consultation with Director of	Authorised Officer in consultation with	Authorised Officer in consultation with	Authorised Officer in consultation with

	advice from Head of Procurement and Director of Legal and Democratic.	Legal and Democratic.	Director of Legal and Democratic.	Director of Legal and Democratic.	Director of Legal and Democratic.
16. Execution of Contracts	<p>Under £250,000 shall be in writing signed by the Chief Officer save where the Director of Legal and Democratic or their nominee has advised the contract must be sealed*.</p> <p>At £250,000 but less than £1,000,000 shall be in writing and signed by the appropriate Chief Officer and the s.151 Officer or their nominee save where the Director of Legal and Democratic or their nominee has advised the contract must be sealed*.</p> <p>At £1,000,000 or over shall be in writing and sealed*.</p>	<p>Under £250,000 shall be in writing signed by the Chief Officer save where the Director of Legal and Democratic or their nominee has advised the contract must be sealed*.</p> <p>At £250,000 but less than £1,000,000 shall be in writing and signed by the appropriate Chief Officer and the s.151 Officer or their nominee, save where the Director of Legal and Democratic or their nominee has advised the contract must be sealed*.</p> <p>At £1,000,000 or over shall be in writing and sealed*.</p>	Shall be in writing signed by the Chief Officer.	Shall be in writing signed by the Chief Officer.	Shall be in writing signed by the Chief Officer.

* To seal a contract means by the Common Seal of the Council is affixed to the contract and attested by the Director of Legal and Democratic or their nominee.

Function	Officer
Withdrawal of contract if after acceptance of its tender or quotation, a supplier fails within a reasonable period of time and without reasonable justification to sign or otherwise enter into a formal written contract.	Relevant Chief Officer in consultation with Legal Services.
Use of letters of intent in a procurement process	Relevant Chief Officer in consultation with Legal Services.
Approval of an exception where during a procurement process a Bidder appeals the Council's request for a performance bond or parent company guarantee.	Relevant Chief Officer in consultation with the Section 151 Officer and Legal Services.

B. EXCEPTIONS – INFORMATION TECHNOLOGY

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme)

All contracts and procurement must be in accordance with the Contract Rules in Part 9.6

***Contract value is over the whole contract and any extension provision not the annual spend**

Process	At £100,000 and over	At £5,000 up to £100,000	Under £5,000
1. IT Hardware Any devices which store or process personal data and their associated peripherals. Including, but not limited to: printers, laptops, mobile phones, monitors, tablets, etc	Chief Information Officer and Head of Procurement	Chief Information Officer acting on the advice of the relevant officer from the service in question, and via the CIO's delegated team and ordering processes	Requests authorised by the Chief Information Officer and via the CIO's delegated team and ordering processes
2. Enterprise Application and Systems Any digital system, whether hosted internally or software-as-a-service (SaaS) that stores and uses council data; whether purchased directly as a system or outsourced to a third-party to run.			

C. EXCEPTIONS PROPERTY

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme). NB The term Property/Land includes all interests in Land including (wayleaves, easements, buildings). Values relate to 'the interest disposed of value' not 'the unrestricted value' of the land).

Process	Officer Delegation	Cabinet Approval	Council Approval
Disposal and Acquisition of Land			
1. Asset Management Plan	No	Yes	No
2. Acquisition at or over £500,000	No	Yes	Where it exceeds the Capital or Revenue Budget
3. Acquisition under £500,000	Assistant Director Assets and Environment in consultation with the s151 Officer and Portfolio Holder if value over £100,000	No	No
4. Disposal (including allowing occupation or sharing the use of any land) in any of the following cases: a) Freehold or leasehold or rights over land where the value does not exceed £500,000 and the disposal is not at an undervalue (except where authorised by existing policy). b) Leasehold where the lease term does not exceed fifteen years of the Council has ability to break at intervals not exceeding fifteen years and the disposal is not at an undervalue (except where authorised by existing policy). c) Leases of up to 125 years at nil consideration, or otherwise at an undervalue,	Assistant Director Assets and Environment, in the case of items (a) if value is over £100,000 and (d) in consultation with Chief Finance Officer	No	No

<p>which are directly related to the conversion of a local authority maintained school to an academy, or where as a result of a Council decision (including provisions of a Section 106 agreement entered into by the Council or Section 106 unilateral undertaking benefiting the Council) a new school is to be created, and that school will be an academy.</p> <p>d) Licenses and leases of community centres and similar buildings at undervalues (including nil consideration) with parish councils, charities or VCS groups as defined in the Policy on the Use of Property by Voluntary, Community, Social Enterprise and Faith Groups</p> <p>e) Licenses and tenancies at will, including grants at undervalues (including nil consideration), where this supports the effective management of the Council's property or enables implementation of the Council's policies or statutory duties.</p>			
5. Disposal of land not covered by 4	No	Yes	No
6. Non-Land Based Asset Disposal	Yes in accordance with the Finance Procedure Rules	No	No

D. EXCEPTIONS FINANCE

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.)

Exception	At or Over £500k	At £100k up to £500k	At £25k up to £100k	At £2k up to £25k	Up to £1k
1. Capital Expenditure outside the Capital Programme	Council	Cabinet	CFO	Cabinet	Cabinet
2. Unbudgeted Revenue Expenditure	Council	Cabinet	CFO	Budget Manager	Budget Manager
3. Virements	Cabinet	CFO in consultation with Cabinet Portfolio	CFO	CFO	CFO
4. Ex gratia payments	N/A	N/A	N/A	N/A	CFO
5. Write off debts	Cabinet	Cabinet	Cabinet	CFO	CFO
6. Negotiate and Approve Borrowing Limits	Council	Cabinet	Cabinet	Cabinet	Cabinet
7. Submit bids for funding to the relevant body	Executive Director in consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO	Executive Director in Consultation with CFO
8. To agree conditions and approve agreements in relation to grant funding to be received by the Council	CFO	CFO	CFO	CFO	CFO
9. Write off any surplus or deficiencies in respect of items of stock	Cabinet	CFO	CFO	CFO	Budget Manager
10. Negotiate leasing arrangements	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy in Consultation with CFO	Executive Director Place and Economy	Executive Director Place and Economy
11. Invest any temporary surplus of monies until	CFO in accordance with Treasury	CFO in accordance with Treasury	CFO in accordance with Treasury	CFO in accordance with Treasury	CFO in accordance with Treasury

such monies are required	Management Statement	Management Statement	Management Statement	Management Statement	Management Statement
12. Effect necessary insurances	CFO	CFO	CFO	CFO	CFO
13. Settle insurance claims	CFO and MO	CFO and MO	CFO and MO	CFO and MO	CFO
14. To vary the scale of fees and charges within year to reflect market conditions or inflation	Budget Manager and CFO, unless otherwise a key decision	Budget Manager and CFO	Budget Manager and CFO	Budget Manager and CFO	Budget Manager
15. To set new fees and charges within year	Council (except where delegated)	Cabinet	Cabinet	CFO	CFO

E. EXCEPTIONS – STAFF AND EMPLOYMENT

NB This element of the scheme is dictated by 2 LGHA 1989 and the Standing Orders Regulations

	Officer Delegation	Statutory Cabinet Member Consultation	Member Decision	Council Decision
1. Appointment of Chief Executive	No (cannot be carried out by officers.	Yes, through the MO	Yes must be made by Full Council	On recommendation from Senior Appointments Committee
2. Appointment of Chief Officers (Executive Directors)	No (possible exception where there is change management and the appointment is internal)	Yes, through the MO	Senior Appointments Committee	Only if required by Council
3. Appointment of Deputy Chief Officers (Service Directors)	Yes	No	No	No
4. Appointment below	Yes	Members cannot be	Members cannot be	Members cannot be involved in

Deputy Chief Officer (DCO)		involved in the appointments below DCO	involved in the appointments below DCO	the appointments below DCO
5. Dismissal of Chief Executive (as Head of Paid Service)	Cannot be delegated to officers	Yes	An independent report must be prepared before a decision can be made	Special Meeting of Council must be convened
6. Dismissal of Statutory Chief Officers	Cannot be delegated solely to officers	No	In accordance with prescribed procedure	In accordance with prescribed procedure
7. Dismissal of non-Statutory Chief Officer	Not delegated solely to officers	No	In accordance with prescribed procedure	In accordance with prescribed procedure
8. Dismissal by way of redundancy or voluntary redundancy for Chief Officers	No	No	In accordance with prescribed procedure	In accordance with prescribed procedure
9. Dismissal of staff below Chief Officer	Chief Executive for DCOs, and Executive Directors below DCO	No	No	No
10. Determine Appeals against final written warnings below DCO	Relevant authorised managers.	No	No	No
11. Issue HR1 notices in respect of potential redundancies	Assistant Director HR	No	No	No
12. To carry out powers and duties under the Health and Safety at Work Act	Chief Executive	No	No	No
13. Issue 'certificates	Assistant Director HR	No	No	No

of opinion' as to whether or not the duties of a post fall within the criteria of political sensitivity				
14. Decision to award a Special Severance Payment as defined by guidance issued under s.26 of the LGA 1999	Up to £20k, decision by Director in consultation with the Assistant Director for HR	From £20k and above but below £100k, decision by the Chief Executive in consultation with the Chief Finance Officer and the Leader of the Council.	No	£100k or above

F. EXCEPTIONS - LEGAL

In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme.

Function	Officer
1. Determine all applications made under powers and duties of the local planning authority and planning legislation in relation to applications and enforcement	Executive Director Place and Economy except where: <ul style="list-style-type: none"> a) The decision would lead to a significant departure from the local plan b) Where called in by at least 1 member c) Major applications to develop the Council's own land d) Applications by relevant officers employed by the Council Applications deemed by the Executive Director to require a member decision.
2. Make applications to the Court of Protection for Receivership Orders in relation to clients lacking mental capacity to carry out their financial affairs	Executive Director of People Services
3. Apply to become an appointee in relation to clients lacking capacity to carry out their financial affairs	Executive Director of People Services

4. Carry out the health functions delegated to the Authority by an NHS body under arrangements between NHS bodies and local authorities pursuant to section 31 Health Act 1999	Executive Director of People Services
5. Determine liability, demand payment, make arrangements for collection and take action for recovery of Council Tax and Non-Domestic Rates	Executive Director of Finance
6. Defend and/or settle all claims made against the Council up to £100,000	Director Legal and Democratic
7. Determine details required by conditions imposed on any permission.	Executive Director of Place and Economy
8. Determine minor amendments to approved plans where these do not materially alter the form of the approved development	Executive Director of Place and Economy
9. All powers and functions of the Authority in respect hackney carriage and private hire licensing matters	Executive Director of Place and Economy, except where an applicant has relevant convictions/cautions or a current licence holder is similarly convicted/cautioned and/or where an applicant for, or the current holder of a Hackney Carriage/Private Hire drivers licence has nine or more points on their DVLA driving licence
10. All powers and functions in respect of the Scrap Metal Dealers Act 2013.	Executive Director of Place and Economy
11. To approve Public Spaces Protection Orders (PSPOs), unless they are likely to be considered to be sensitive or significant.	Executive Director of Communities and Opportunities
12. To attest the seal of the Council (and to authorise any other Solicitor of the Council to attest the seal) and hold a book kept for the purpose that contains a consecutively numbered entry of every sealing initialled by the person who has attested the seal.	Director of Legal and Democratic
13. To sign any document on behalf of the Council for any purpose unless signing the document has otherwise been delegated to an Executive Director, the Chief Executive, the Assistant Chief Executive, Director or Proper Officer within this constitution or by law. Reference to signing documents includes by electronic signature of documents where this improves the	Director of Legal and Democratic

efficiency of the council and removes the requirement for hard copy printing.	
14. Under section 91 of the Local Government Act 1972 to appoint by order persons to fill vacancies in the office of parish [or community] councillor.	Director of Legal and Democratic
15. Issue proceedings, prosecute, defend, conduct, withdraw, settle or appeal any legal proceedings or process on behalf of the Council unless otherwise delegated.	Director Legal and Democratic
16. Institute criminal proceedings in respect of offences against any legislation (including byelaws) which the Council is allowed to enforce.	Director Legal and Democratic
17. Exercise the powers and functions of the local authority under the Proceeds of Crime Act 2002 or any variation or amendment thereof or regulations made thereunder.	Director of Legal and Democratic.
18. Authorise any officer of the Council to prosecute, or defend on its behalf, or to appear on its behalf in, proceedings before a Magistrates Court, in accordance with Section 223 of the Local Government Act 1972	Director Legal and Democratic
19. Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility	Director Legal and Democratic
20. Appoint Education Appeal Panel members, in accordance with the provisions of the Education (Admission Appeals Arrangements) (England) (Regulations 2002), as amended, such appointments to last for a period of three years then membership be re-assessed and re-appointments made as appropriate	Director Legal and Democratic
21. Determining applications affecting the registers of commons and village greens (under the Commons Act 2006 and any subsequent legislation).	Director of Legal and Democratic In the case of contested matters, or Matters which require oral representation or an inquiry, an Independent Inspector shall be appointed to determine the application.

<p>22. To carry out powers in relation to assets of community value under Part 5 Chapter 3 of the Localism Act 2011.</p>	<p>Powers to determine whether an asset should be placed on the list – Executive Director of Place and Economy</p> <p>Powers to determine reviews – Director of Legal and Democratic</p>
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G. EXCEPTIONS - PENSIONS

(In exercising delegated powers, officers are reminded to take account of the overall limitations of the scheme, as detailed in the introduction to the scheme)

Officer	Function
<p>Chief Finance Officer (Section 151 Officer) (Further delegations to Head of Pensions can be found in the administering authority’s discretions or within individual policy or strategy documents published on the Pension Fund’s website as approved by the Pension Committee).</p>	<p>Management and administration of the Local Government Pension Scheme Authority to maintain West Northamptonshire Council’s responsibility for the management and administration of the Local Government Pension Scheme Regulations with regard to overriding legislation and guidance including statutory guidance, including the exercise of the administering authority’s discretions.</p> <p>Membership of the ACCESS Asset Pool Section 151 Officers Group In relation to the Joint Committee (JC), a s102 committee of the Local Government Act 1972, of the ACCESS Asset Pool, the Section 151 Officer shall be bound by the terms of reference for the Section 151 Officer Group as detailed in the Inter-Authority Agreement:</p> <p>Part 1 – Governing Principles</p> <ul style="list-style-type: none"> The Section 151 Officers will co-operate to support the activities of the Pool in providing advice to or in consultation with the JC and they shall always act in line with the Governing Principle and Principles of Collaboration as set out in the Inter-Authority Agreement except to the extent that it is inconsistent with the discharge of their personal statutory duties. <p>Part 2 - Functions in relation to the Pool</p> <ul style="list-style-type: none"> In response to decisions made by the JC, the Section 151 Officers shall (in addition and without prejudice to their existing statutory responsibilities in relation to the proper administration of the financial affairs of their own Councils) ensure the appropriate resourcing, support, advice and facilitation to the JC including, without limitation, in the following ways:

	<p>Discharging Section 151 Officer Functions</p> <ul style="list-style-type: none"> ○ Staffing and Resourcing: in relation to the provision of staff and resources to assist the JC in the exercise of its functions under this Agreement. ○ Cost Sharing: in accordance with any local arrangements within their Councils, ensuring that their Councils' share of costs is provided to the relevant parties, whether under the business plan, budget or otherwise under Schedule 5 from time to time. ○ Pool Aligned Assets: providing the JC, the ASU (ACCESS Support Unit) and any other relevant staff resources with such support as is reasonably required to engage with Pool Aligned Assets Providers. <p>Advising the Joint Committee</p> <ul style="list-style-type: none"> ○ Budget and Business Planning: making recommendations to the JC on budget and business plan matters, following input from the ASU in accordance with Schedule 5 of the Inter-Authority Agreement (Cost Sharing). ○ Reviewing and advising on budget variations throughout each financial year. ○ Risk and Performance: advising the JC on the identification of, and mitigation of any risk to the operation or success of the Pool. ○ Host Authority and Procurement Lead Authority Roles: making recommendations to the JC regarding the Host Authority and Procurement Lead Authority roles from time to time as necessary. ○ Amendments to the Inter-Authority Agreement: reviewing, in consultation with their respective Councils' Monitoring Officers, any material changes to the Inter-Authority Agreement, in accordance with provisions of clause 11 of the Inter-Authority Agreement (Variation of Agreement).
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H. EXCEPTIONS – NORTHAMPTON PARTNERSHIP HOMES LTD

Function	Delegated to Northampton	Retained by the Council	Shared	Comments

	Partnership Homes Ltd			
1. Repairs and Maintenance	Y			Planned, cyclical and responsive.
2. Tenancy Management	Y			Housing management (including successions and exchanges), tenancy management, leaseholder management
3. Lettings			Y	Via choice-based lettings scheme in accordance with Council's lettings policy.
4. Supporting Tenants	Y			Sheltered accommodation, supported living and related advice.
5. Ecton Lane Travellers Site	Y			Details included within Schedule 1 of Service Specification
6. Consultation			Y	Council has statutory duties here and may wish to consult direct; generally expected that NPH would carry out consultations whether for itself or the Council.
7. Estate Management	Y			Details included within Schedule 1 of the service specification
8. Right to buys			Y	NPH to deal with applications, Council (via Pathfinder) to process legal work.
9. Management of non-housing assets on estates			Y	Council or deal with the commercial elements; shared where buildings contain both housing and commercial elements.
10. Housing advice and homelessness		Y		Council retains statutory functions – NPH to provide advice to tenants and

				homelessness prevention
11. Private sector initiatives		Y		Including private sector empty homes
12. Community initiatives			Y	Council to retain community safety and rough sleepers functions; parties to co-operate on community initiatives generally
13. Regeneration			Y	Parties to work together on regeneration plans to the housing estates
14. Policy development			Y	NPH will be required to comply with relevant new policies developed by the Council.
15. Stock surveys	Y			As per the Housing Asset Management Strategy
16. Aids and adaptations			Y	For all council homes – DFGs for private sector homes remains with Council
17. Insurance		Y		Subject to the provisions of clause 30 of the Agreement.
18. Management of HRA			Y	Council's statutory responsibility.
19. Empty Homes			Y	Details included within Schedule 1 service specification.
20. Housing litigation (conduct)		Y		Local Practice Direction dated 18 August 20201 from HHJ Hedley - Permitted rights of audience before District Judges and Deputy District Judges in the County Court at Northampton at rent possession claims and claims for the recovery rent, mesne profits, damages or any other
21. Housing litigation (representation)	Y			

				<p>sum claimed in respect of the occupation of a residential property belonging to and for claims brought by West Northamptonshire Council provided that they have written authorisation from West Northamptonshire Council to appear before the court.</p>
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I: Exceptions - Care Placements

Exceptions are granted for Adult Social Care and Childrens' Care Placements when underpinned by the following tiered placing of contractual arrangements. This must be approved by the Chief Officer of the relevant Directorate:

Tier	Exceptions
1	Placements from Block Contracts – when a supplier is procured with guaranteed service levels and pre-agreed prices
2	Placements made from a DPS or Framework Agreement – must contain fixed or average rates. Tier 2 is utilised only when Tier 1 is unable to meet the required needs
3	<p>Spot Placements – may be awarded when the required needs cannot be met by Tier 1 or Tier 2 and if the placement is urgent, complex and unique to the receiver of the care. Tier 3 Placements must be reviewed by the Chief Officer and will form part of a quarterly report to the relevant Member detailing the following:</p> <ul style="list-style-type: none"> (i) The nature, extent and value of spot contracts entered into in the previous quarter; (ii) The specific rationale for the use of tier 3 element of this exception; and (iii) Append a summary of the previous instances where the tier 3 element of this exception has been used in the current financial year.

9.3 List of Proper Officers

SCHEDULE OF APPOINTMENTS

PURPOSE OF APPOINTMENT	PROPER OFFICER
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the Council	Director of Legal and Democratic
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the Council	Director of Finance

PUBLIC HEALTH ACT 1936

Section	Brief Details of Responsibility	Proper Officer
85(2)	Serving a notice requiring action to deal with verminous people and things	Director of Public Health

REGISTRATION SERVICE ACT 1953

Section	Brief Details of Responsibility	Proper Officer
9(1) and (2)	Appointment of interim superintendent registrars and registrars	Director of Legal and Democratic
13(2)(h) and 3(b)	Powers under the local scheme of organisation	Director of Legal and Democratic
20	Proper officer to be subject to regulations made by the Registrar General	Director of Legal and Democratic

AGRICULTURE ACT 1970

Section	Brief Details of Responsibility	Proper Officer
67(3)	Appointment as Agricultural Analyst	Assistant Director: Regulatory Services

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

Section	Brief Details of Responsibility	Proper Officer
6(A1)	Director of Adult Social Services	Executive Director of People Services

TOWN AND COUNTRY PLANNING ACT 1971

Section	Brief Details of Responsibility	Proper Officer
54(4)	Appointment as clerk of the local planning authority	Director of Legal and Democratic

LOCAL GOVERNMENT ACT 1972

Section	Brief Details of Responsibility	Proper Officer
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13 (3)	Parish Trustee where no Parish Council	Director of Legal and Democratic
All appointments under sections 83, 84, 86, 88(2), 89(1)(b), 99 and Sch.12, 100A to F	To witness and receive declarations of acceptance of office of Chair, Vice Chair or councillor, resignations of councillors, vacancy in office, convening meetings to declare a vacancy, receipt of notice from electors regarding a vacancy, to issue a summons for a council meeting, all matters concerning agenda, papers and reports and minutes of meetings	Director of Legal and Democratic
115 (2)	Person to whom all officers shall pay monies received by them and due to Council	Executive Director of Finance
137(a)	Gives the Proper Officer power to require a voluntary organisation or similar body to supply information to them, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum	Executive Director of Finance
146(1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change of area	Executive Director of Finance
151	To be responsible for the administration of the financial affairs of the Council	Executive Director of Finance
All appointments 191, 204(3), 210(6) and (7), 223, 225(1), 228(3), 229(5), 233, 234, 236(9)-(10), 238, 248(2), Sch.12 para 4(2)(b) and 4(3) and Sch.14 para 25(7)	Receipt of notices from Ordnance Survey in relation to boundaries, powers in respect of charities, authorising officers to attend court, receipt of documents to be deposited, certification of photographic copies, receipt of service, signing of notice order or other document required by law, certifying copies of byelaws and keeping the roll of freemen. Provisions in relation to summons for meetings and copy resolutions	Director of Legal and Democratic
Sch.29, Para 4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Director of Legal and Democratic
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Director of Legal and Democratic
Sch.29 Para 41	Proper Officer for Births, Marriages and Deaths	Director of Legal and Democratic

LOCAL GOVERNMENT ACT 1974

Section	Brief Details of Responsibility	Proper Officer
30(5)	Provides that the Proper Officer must give public notice of the ombudsman's reports	Director of Legal and Democratic

LOCAL ELECTIONS (PRINCIPAL AREA) RULES

Section	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer (Chief Executive)

LOCAL LAND CHARGES ACT 1975

Section	Brief Details of Responsibility	Proper Officer
3	Requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the "Proper Officer"	Executive Director of Place and Economy
19	The officer to act as Local Registrar as defined in Section 3	Executive Director of Place and Economy

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Brief Details of Responsibility	Proper Officer
16	Notices requiring details of interest in land	Any Chief Officer of the Council
41(1)	The officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority as evidence in any legal proceedings	Director of Legal and Democratic

LOCAL AUTHORITIES CEMETERIES ORDER 1977

Section	Brief Details of Responsibility	Proper Officer
10	To sign exclusive rights of burial	Executive Director of Place and Economy

RENT ACT 1977

Section	Brief Details of Responsibility	Officer
63	Appointment of rent officers under a scheme	Assistant Director Housing and Communities
Schedule 15, Part IV, para 7	Certification of provision of suitable alternative accommodation	Assistant Director Housing and Communities

HIGHWAYS ACT 1980

Section	Brief Details of Responsibility	Proper Officer
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Assistant Director: Highways and Transport
193 (1)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Assistant Director: Highways and Transport
205 (3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Assistant Director: Highways and Transport
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Assistant Director: Highways and Transport
211(1), 212(4), 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Assistant Director: Highways and Transport
295(1)	Issue notice requiring removal of materials from non - maintainable streets in which works are due to take place	Assistant Director: Highways and Transport
321	Authenticate notices and other documents	Assistant Director: Highways and Transport
Sch.9 para 4	Sign plans showing proposed prescribed improvement or building lines	Assistant Director: Highways and Transport

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Brief Details of Responsibility	Proper Officer
8(1) and (2)(a)	Appointment as Electoral Registration Officer	Chief Executive
35(1)	Appointment as Returning Officer	Chief Executive
67(7)(b)	Receipt of notice of an election agent for local elections	Returning Officer
82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Returning Officer
128	Provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area	Returning Officer

131	Providing accommodation for holding election count	Chief Executive
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BUILDING ACT 1984

Section	Brief Details of Responsibility	Proper Officer
61	Provides that the proper officer or any other authorised officer to be given free access to works or repairs to an underground drain	Executive Director of Place and Economy
78	To take action in relation to dangerous buildings and structures	Executive Director of Place and Economy
93	Provides that notices and other documents under this Act may be signed by the Proper Officer or by an officer authorised by them in writing	Executive Director of Place and Economy

PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 AS AMENDED BY THE HEALTH AND SOCIAL CARE ACT 2008 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1959

Section	Brief Details of Responsibility	Proper Officer
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Director of Public Health
59	Authentication of documents	Director of Public Health
61-62	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act	Director of Public Health
	Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Director of Public Health
74	To act for such of the functions relating to notification, investigations, prevention and control of notifiable diseases and food poisoning.	Director of Public Health

WEIGHTS AND MEASURES ACT 1985

Section	Brief Details of Responsibility	Proper Officer
72(1)(a)	Chief Inspector of Weights and Measures	Head of Trading Standards

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Brief Details of Responsibility	Proper Officer
114, 115, 115A and 115B	Responsibility for Chief Financial Officer Reports	Executive Director of Finance
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting	Executive Director of Finance

139A	Provision of information to the Secretary of State in relation to the exercise of their powers under this Act as and when required	Executive Director of Finance
Sch.4 (10)(1) Paragraphs 6 – 8 (10)(1) Paragraph 9	Where notice has to be served on the Council concerning: <ul style="list-style-type: none"> The acquisition of way leaves over Council-owned land The felling and lopping of trees, etc 	Executive Director of Place and Economy
Sch. 8, 36(8) Para 1, 36(8) Para 2	Where applications have to be made for consent to construct generating stations on Council-owned land Where applications for consent have to be served on the local planning authority	Executive Director of Place and Economy

PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988

Section	Brief Details of Responsibility	Proper Officer
6	Reporting of infectious diseases to the Chief Medical Officer	Director of Public Health
8	Submission of weekly or quarterly returns to the Registrar General	Director of Public Health
10	Arrangements for immunisation and vaccination	Director of Public Health
Sch.3 and 4	Reporting and issuing notices to prevent the spread of infection	Director of Public Health

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Brief Details of Responsibility	Proper Officer
2(4), 3A, 15 - 17	Officer with whom the list of politically restricted posts shall be deposited; to grant exemptions from political restriction and matters relating to the establishment of political groups. Any responsibilities under the Local Government (committees and Political Groups) Regulations 1990	Director of Legal and Democratic
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Director of Legal and Democratic
18	Receipt of notice in writing that a councillor wishes to forego any part of entitlement to an allowance	Director of Legal and Democratic
19(1) and (4)	Receipt of notice of direct and indirect pecuniary interests	Director of Legal and Democratic

ENVIRONMENTAL PROTECTION ACT 1990

Section	Brief Details of Responsibility	Proper Officer
149	Discharging the functions in this section for	Assistant

	dealing with stray dogs	Director Regulatory Services
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FOOD SAFETY ACT 1990

Section	Brief Details of Responsibility	Proper Officer
5	Authorised officer to act in matters arising under the Act	Assistant Director Regulatory Services
27(1)	Appointment of Public Analyst	Assistant Director Regulatory Services
49(3)	Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within their province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document	Assistant Director Regulatory Services

THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Section	Brief Details of Responsibility	Proper Officer
8(1), 8(5), 9(b), 10, 13(1), 14, 15 and 17	Notifications to and by the Proper Officer Give effect to the wishes of political groups in making appointments of members to committees	Director of Legal and Democratic

CIVIL EVIDENCE ACT 1995

Section	Brief Details of Responsibility	Proper Officer
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings	Director of Legal and Democratic

PARTY WALL ETC. ACT 1996

Section	Brief Details of Responsibility	Proper Officer
	To select a third surveyor, if required, during a neighbour dispute about building projects	Executive Director of Place and Economy

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

Section	Brief Details of Responsibility	Proper Officer
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**CRIME AND DISORDER ACT 1998 SECTION 115
LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22**

	Certification of relevant powers to enter into contracts	Executive Director of Finance
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CRIME AND DISORDER ACT 1998

Section	Brief Details of Responsibility	Proper Officer
12	To apply for the discharge or variation of a Child Safety Order	Director of Children's Services
17 and 37	To have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	Director of Children's Services

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007/1830

Section	Brief Details of Responsibility	Proper Officer
4(3)	Primary Designated Officer for information sharing	Director of Legal and Democratic

LOCAL GOVERNMENT ACT 2000

Section	Brief Details of Responsibility	Proper Officer
3	Producing a written statement of Executive decisions made at meetings	Director of Legal and Democratic
5	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Director of Legal and Democratic
6	Making available for inspection a list of background papers	Director of Legal and Democratic
9FB	Designation as Scrutiny Officer	Executive Director Corporate Services
11(2)	Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public	Director of Legal and Democratic
11(7)(c)	Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed	Director of Legal and Democratic
81	Establish and maintain a Register of Interests	Director of Legal and Democratic

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Section	Brief Details of Responsibility	Proper Officer
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public	Director of Legal and Democratic
9FB	Designation as Scrutiny Officer	Executive Director Corporate Services
10	Inform the relevant Select Committee Chair or the committee members by notice in writing of decisions to be made, where it has been not possible to comply with the publicity requirements (in the “Key Decisions Plan”) and make available for public inspection notices relating to this	Director of Legal and Democratic
12	Produce a written statement of Cabinet decisions made at meetings	Director of Legal and Democratic
13	Produce a written statement of decisions made by individual Cabinet Members	Director of Legal and Democratic
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public	Director of Legal and Democratic
15 and 2	Make available for inspection a list of background papers	Director of Legal and Democratic
16(5)	Determine whether certain documents contain exempt information	Director of Legal and Democratic
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant	Director of Legal and Democratic
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant	Director of Legal and Democratic

LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000

Section	Brief Details of Responsibility	Proper Officer
34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Director of Legal and Democratic

REGULATION OF INVESTIGATORY POWERS ACT 2000 as amended

Section	Brief Details of Responsibility	Proper Officer
32A	Grant authorisation of directed surveillance and covert human intelligence sources: criminal conduct and safeguards for juveniles and vulnerable adults. To make an application to a Justice of the Peace, for an order approving the grant or renewal of an authorisation for use of	Director of Legal and Democratic

	directed surveillance or use of covert human intelligence source in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.	
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INVESTIGATORY POWERS ACT 2016

THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010

THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010

Section	Brief Details of Responsibility	Proper Officer
60A, 73m	Designated Senior Responsible Officer for the use of surveillance and the acquisition and disclosure of communications data	Director of Legal and Democratic
60A, 73	Grant authorization and to give notice to the Office for Communications Data Authorisation in consultation with the National Anti-Fraud Network to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder.	Director of Legal and Democratic

FREEDOM OF INFORMATION ACT 2000

Section	Brief Details of Responsibility	Proper Officer
36	Person to confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Legal and Democratic

ACCESS TO THE COUNTRYSIDE (MAPS IN DRAFT FORM) (ENGLAND) REGULATIONS 2001

Section	Brief Details of Responsibility	Proper Officer
9-11	Authorised officer to receive deposit of reduced scale maps	Executive Director Place and Economy

LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Section	Brief Details of Responsibility	Proper Officer
Sch.1 Part II paras 5 and 6	Functions in relation to notifying Executive appointments, dismissals etc .	Director of Legal and Democratic

MONEY LAUNDERING REGULATIONS 2003

Regulation	Brief Details of Responsibility	Proper Officer
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7(1)(a)	Nominated officer to receive disclosures of suspected money laundering	Executive Director of Finance
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LOCAL GOVERNMENT ACT 2003

Section	Brief Details of Responsibility	Proper Officer
25	When the annual budget report is considered by Cabinet or by the County Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Executive Director of Finance

CHILDREN ACT 2004

Section	Brief Details of Responsibility	Proper Officer
18	To carry out the role of the proper officer function of Director of Children's Services	Director of Children's Services

THE HOUSING ACT 2004

Section	Brief Details of Responsibility	Proper Officer
4(2) and 249	In relation to the inspection of premises and endorsing of a certificate of evidence.	Assistant Director of Housing & Communities

TRAFFIC MANAGEMENT ACT 2004

Section	Brief Details of Responsibility	Proper Officer
17	Appointment as Traffic Manager to perform such tasks as the authority considers will assist it to perform its network management duty	Executive Director Place and Economy

MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005 (AS AMENDED)

Section	Brief Details of Responsibility	Proper Officer
	Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994), the Civil Partnership Act 2004, the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended and	Director Legal and Democratic

	receive applications, set fees and offer discounts, where applicable	
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NATIONAL HEALTH SERVICE ACT 2006

Section	Brief Details of Responsibility	Proper Officer
73A	Appointment as Director of Public Health	Director of Public Health

HEALTH ACT 2006

Section	Brief Details of Responsibility	Proper Officer
10(3)	Duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter (smoke free premises) and regulations made under it	Assistant Director: Regulatory Services
10(5)	In this Chapter, “authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter	Authorised Officers
10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Assistant Director: Regulatory Services
10(9)(1)	An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give them a penalty notice in respect of the offence	Authorised Officer

SMOKE-FREE (PREMISES AND ENFORCEMENT) REGULATIONS 2006

Section	Brief Details of Responsibility	Proper Officer
3	To carry out the functions of an enforcement authority under Regulation 3	Assistant Director: Regulatory Services

LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006

Section	Brief Details of Responsibility	Proper Officer
	Retention and public inspection of documents after an election	Returning Officer

THE LOCAL ELECTIONS (PRINCIPAL AREAS) (ENGLAND AND WALES) RULES 2006

Section	Brief Details of Responsibility	Proper Officer
Rule 50 and Sch.2	Receipt from Returning Officer of the names and persons elected to the Council	Director of Legal and Democratic
54	Registration officer for the retention and destruction of documents following an election	Director of Legal and Democratic

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007/1830

Section	Brief Details of Responsibility	Proper Officer
4(3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Assistant Director Housing and Communities

WORKING TOGETHER TO SAFEGUARD CHILDREN: A GUIDE TO INTER-AGENCY WORKING TO SAFEGUARD AND PROMOTE THE WELFARE OF CHILDREN (DFE GUIDANCE, MARCH 2010)

Section	Brief Details of Responsibility	Proper Officer
-	Local Authority Designated Officer (LADO)	Executive Director of People Services
-	Caldicott Guardian	Executive Director of People Services

THE HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Regulation	Brief Details of Responsibility	Proper Officer
2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	Director of Public Health

LOCALISM ACT 2011

Section	Brief Details of Responsibility	Proper Officer
29	Establish, maintain and publish a Register of Interests	Director Legal and Democratic
31	Receipt of notice of members' disclosable pecuniary interests and entering such interests in the authority's register	Director Legal and Democratic
32	Consideration of whether a member's interest is a sensitive interest	Director Legal and Democratic

33(1)	Receiving applications for dispensations	Director Legal and Democratic
33(2)	Grant dispensations to members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Director Legal and Democratic
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Executive Director Corporate Services

THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS) REGULATIONS 2011

Regulation	Brief Details of Responsibility	Proper Officer
7, 8, 11 and 13	Various steps relating to petitions	Director Legal and Democratic

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions, including exclusion of information from agenda and reports relating to private meeting matters	Director Legal and Democratic
12-13	Grant dispensations in respect of conflicts of interest declared by an Executive member making a decision, or declared by an Executive member consulted by a member or officer taking such a decision	Director Legal and Democratic
12-14	Recording of executive decisions and by individual members and making documents available for inspection by members of the public	Director Legal and Democratic

NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
22(4)	Designated as Responsible Person for ensuring compliance with the regulations	Executive Director of People Services
22(5)	Designated as Complaints Manager for managing the procedures for handling complaints	Executive Director of People Services

HEALTH AND SOCIAL CARE ACT 2012

Regulation	Brief Details of Responsibility	Proper Officer
	Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints	Director of Legal and Democratic
73A(1)(a)	The exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1 – health improvement duties to take steps to improve the health of the people in the area	Director of Public Health
73A(1)(b)	The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State’s public health protection or health improvement functions that they delegate to local authorities, either by arrangement or under regulations – these include services mandated by regulations	Director of Public Health
73A(1)(c)	Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local authority under arrangements with the Secretary of State	Director of Public Health
73A(1)(d)	The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
73A(1)(e)	The functions of the authority under section 325 of the Criminal Justice Act 2003 - the local authority’s role in co-ordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders	Director of Public Health
73A(1)(f)	Other public health functions that the Secretary of State may specify in regulations	Director of Public Health

COUNTER-TERRORISM AND SECURITY ACT 2015

Regulation	Brief Details of Responsibility	Proper Officer
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	The officer responsible for ensuring that the Council, in the exercise of its functions, have due regard to the need to prevent people vulnerable from being drawn into terrorism	Executive Director of People Services
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DATA PROTECTION ACT 2018

Section	Brief Details of Responsibility	Proper Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Data Protection Officer and Information Manager

BUILDING SAFETY ACT 2022

Section	Brief Details of Responsibility	Proper Officer
Part 4	Accountable Person for Building Safety and designated Officer for the Housing Consumer Standards and Health and Safety Lead.	Director of Communities and Opportunities

FIRE SAFETY ACT 2021

Section	Brief Details of Responsibility	Proper Officer
Sections 1 and 3	Responsible Person for Fire Safety in relation to residential buildings.	Director of Communities and Opportunities

SOCIAL HOUSING REGULATION ACT 2022

Section	Brief Details of Responsibility	Proper Officer
Section 10	Health and Safety Lead and Lead Officer for compliance with the Housing Consumer Standards	Director of Communities and Opportunities

LANDLORD AND TENANTS ACTS

Section	Brief Details of Responsibility	Proper Officer
	To be the Proper Officer to serve and receive notices on behalf of the Council for the purposes of s.23 of the Landlord and Tenant Act 1927 and s.66 of the	Executive Director of Place and Economy

	Landlord and Tenant Act 1954	
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OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

Section	Brief Details of Responsibility	Proper Officer
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or their nominee

IN THE ABSENCE OF THE DESIGNATED PROPER OFFICER:

- In the event of the Head of the Paid Service not being available to deal with matters for which they have been designated the proper officer, an Executive Director may be authorised by them to act as proper officer in their absence.
- In the event of any other designated officer being unable to fulfil their duties as proper officer, their deputy may be authorised to undertake such duties.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.