

Section 16 Officer Scheme of Delegation

This Scheme provides officers with the authority to deliver the services for which they are responsible.

A Chief Officer may exercise any power delegated to him or her.

A Chief Officer may delegate to another named officer or post holder (normally a Head of Service) certain powers and duties which have been delegated to that Chief Officer. Each Chief Officer shall submit on an annual basis to the Director of HR, Legal & Corporate Services details of such delegations including the named officer or post holder and the powers and duties delegated to them.

The Chief Executive may exercise powers delegated to any officer when that officer is unable or unwilling to act.

Restrictions on Use of Delegated Powers

- 1) Chief Officers shall exercise their powers in compliance with the law, the Council's Constitution, and policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules
- 2) Where powers delegated to a Chief Officer coincide with those given to Executive Members the principle will be observed that day to day managerial decisions are for the Chief Officer to take and Executive Members should take strategic decisions. However a decision taken by a Chief Officer shall not be open to challenge on the basis that it offends this principle.

Interpretation of Powers

1. Any power to take action under a statutory provision shall be deemed to authorise action under any statutory re-enactment of that provision.
2. Any power to take action shall include the power to take necessary associated actions.

GENERAL DELEGATIONS TO ALL CHIEF OFFICERS

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

All Chief Officers shall have authority to deal with the following:

A In connection with Financial Matters

- 1 The management of buildings and facilities under their control.

- 2 The placing of orders and the awarding of contracts up to £500,000 and over £500,000 in consultation with the relevant Executive Member.
- 3 To select contractors to tender for work or supply services to the Council.
- 4 To incur expenditure on individual capital schemes within the approved budget or on design preparation of a scheme.
- 5 To incur revenue expenditure within the Council's portfolio revenue budgets.
- 6 To approve price variations under contracts and to authorise variation orders under contracts. Where contracts are managed by a third party external to the Council, price variations should be reported to and approved by the relevant Chief Officer.
- 7 To dispose of assets other than land up to the values set out in Financial Regulations.
- 8 The drawing up of bids and accepting offers of external funding within their own area of responsibility in consultation with the relevant Executive Member, Director of Finance & IT and the Executive Member for Resources.
- 9 To approve, in consultation with the Directors of HR, Legal & Corporate Services and Finance & IT, the payment of financial compensation, to resolve a complaint submitted in accordance with the Council's complaints procedure.
- 10 In consultation with the Director of Finance & IT and relevant Executive Member, to approve an increase in the original budget up to a maximum stated in the Financial Procedure Rules (Part 4, section 7) subject to the presentation in advance by the appropriate Chief Officer(s) of a detailed and fully costed business case to the Executive Member. (The format for the business case will be specified by the Director of Finance & IT). A report of action taken should also be presented to the Executive Member for Resources.
- 11 Approval of grants to voluntary or community organisations.

B. In connection with HR Matters

1. In relation to HR matters, each Chief Officer is responsible for the staffing of the services which he/she provides concerning all non Chief Officer posts including:
 - Appointment, suspension and dismissals
 - The approval of payments and benefits to staff (see note 1)
 - The approval of leave
 - Agreement to secondments
 - Approval of training opportunities
 - Approval to grant extensions to payments such as sick pay after formal approval from both the Director of HR, Legal & Corporate Services and the Director of Finance & IT

Note 1: the establishment, deletion, and grading posts is to be within the council's approved pay and reward structure and is subject to the agreement of the Director of HR, Legal & Corporate Services and Director of Finance & IT .

Note 2: in relation to Chief Officers the powers of the Chief Executive and of the Chief Officer Employment Committee takes precedence

2. The power to determine employee related applications and appeals in accordance with Council's HR policies and procedures.
3. The engagement of temporary staff in accordance with Council's HR policies and procedures.

C. In connection with General Matters

- 1 In consultation with the relevant Executive Member to authorise attendance by Members at conferences/seminars etc. provided there is adequate budgetary provision.
- 2 To authorise persons to enter land or obtain information for any statutory purpose coming within the Chief Officer's field of responsibility.
- 3 To take necessary measures to ensure that high standards of health, safety and welfare are achieved in the activities of the Council and its Departments, in compliance with the Health and Safety at Work etc. Act 1974 and the Council's Health and Safety Policy.
4. In consultation with the relevant Executive Member to consider and determine Expressions of Interests made under the Community Right to Challenge (Expressions of Interest and Excluded Services)(England) Regulations 2012.

TO THE CHIEF EXECUTIVE

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To take any action, including incurring expenditure, in connection with an emergency or disaster in the district.
2. The powers of the Head of Paid Service under the law and the Council's Constitution.
3. To exercise powers delegated to any Officer when that Officer is unable or unwilling to act.
4. To exercise plenary powers
5. To exercise the Chief Officer Employment Committee's powers in consultation with the Chair in respect of the employment related matters of Directors/Chief Officers other than appointment and dismissal. A decision made by the Chief Executive under these powers must last for no more than six months before the matter is referred to the Chief Officer Employment Committee.
6. To appoint Committees from Panels agreed by Council.
7. To exercise functions under the Corporate Complaints Policy.

- 8 To represent the Council (or nominate another Chief Officer) on the managing boards of major partnerships and, in so doing, to exercise such further operational powers as he or his representative may be required on behalf of the Council in accordance with Article 10 of this Constitution.
9. To exercise all relevant powers under the Public Order Act 1986 to consider and take any action necessary to comply with a Chief Constable of Police's application, in order to prevent serious public disorder, service damage to property or serious disruption of community life.
10. To undertake the statutory Returning Officer role.

TO THE EXECUTIVE DIRECTOR - PLACE

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To exercise all powers of the Director of Growth & Prosperity, Director of Environment & Leisure, and the Director of Housing & Localities where they are unable to act.

TO THE EXECUTIVE DIRECTOR - RESOURCES

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To exercise all powers of the Director of HR, Legal & Corporate Services, and the Director of Finance & IT where they are unable to act.
2. The power to authorise change control within the Strategic Partnership Agreement with Capita.
3. Powers and duties relating to the corporate property including buildings and assets of the Council.
4. To issue corporate media statements, publicity, and electronic or hard copy publications.
5. To determine Compensation Reviews under the Assets of Community Value (England) Regulations 2012, following consultation with the Executive Member for Resources

TO THE EXECUTIVE DIRECTOR - PEOPLE

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To exercise all powers of the Director of Children's Services, Director of Adult Services and the Director of Public Health when they are unable to act.

TO THE DIRECTOR OF HR, LEGAL & CORPORATE SERVICES

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To be responsible for the conduct and instruct solicitors to institute, defend and appear for any legal proceedings in any civil or criminal court or tribunal on behalf of and in the name of the Council, including payments to settle proceedings.
2. To take any action to protect the Council's legal rights and to take any necessary steps to settle disputes arising.
3. To authorise officers to appear in the Magistrates' and County Courts.
4. To authorise serving of Statutory Notices, to authorise completion and confirmation of Orders, sign and seal documents and receive and open tenders.
5. To agree indemnities where they are required to enable the Council to exercise any of its functions provided that where the giving of an indemnity could have considerable financial implications the Director of Finance & IT shall be required to give approval.
6. The authority to deliver the following:
 - in consultation with the Director of Finance & IT, powers under the Coroners Act 1988.
 - determine requests to reproduce the Council's Coat of Arms.
 - to designate a Proper Officer to oversee the Council's duties and powers in respect of the Registration of Births, Marriages and Deaths.
7. To approve land transactions in accordance with the Council's Financial Regulations.
8. To exercise all powers in relation to the strategic delivery of human resources services for the Council including responsibility for Health and Safety.
9. The powers of the Monitoring Officer under the law and the Council's Constitution
10. To exercise the functions of democratic services, scrutiny and school appeals
11. To exercise the Authority's functions of election services

TO THE DIRECTOR OF FINANCE & IT

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To determine applications for discretionary non-domestic rate relief.
2. The power to set the Council Tax Base in consultation with the Executive Member (Resources)
3. The power to approve estimated business rates income in consultation with the Executive Member (Resources)
4. To exercise the functions of the benefits quality control team including the payment of Council tax and housing benefits.
5. To write off irrecoverable debts with a limit of £5000 in respect of each individual account. To write off larger debts with a limit of £30,000 in consultation with the Executive Member (Resources)
6. The power to take urgent action to protect the Council's financial position
7. The powers of the Chief Financial Officer (Section 151 Officer) under the law, and the Councils Constitution
8. To promote and co-ordinate the effective corporate governance of the Council.
9. To receive and open tenders
10. To exercise all arrangements for the delivery of effective customer services including the provision of a bdirect contact centre and one stop shops.
11. To exercise the arrangements for the Register of Birth, Marriages and Deaths.
12. To exercise all powers in relation to the delivery of ICT for the Council.
13. To administer the Council's responsibilities under Data Protection and Freedom of Information legislation
14. The powers of the Senior Information Risk Officer (SIRO) under the law and the Council's Constitution.
15. To administer the Council's complaints process

TO THE DIRECTOR OF CHILDREN'S SERVICES

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To deliver services within the remit of the Children Act 2004 and other relevant legislation.

2. The powers of the Director of Children's Services (DCS) under the law and the Council's Constitution
3. Social services – the authority's functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the local authority's functions for children and young people leaving care.
4. Health services – any health related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to children.
5. Inter-agency co-operation – the building and leading of arrangements for inter-agency co-operation as set out in the Children Act 2004.
6. Education services – the authority's functions in its capacity as a Local Education Authority.
7. To exercise all powers in relation to the Council's BSF programme and the Local Education Partnership.

TO THE DIRECTOR OF ADULT SERVICES

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To exercise the powers of the Statutory Director of Adult Social Services (DASS)
2. To exercise the authority's functions within the meaning of the Local Authorities Social Services Act 1970, the Care Act 2014 and any social care legislation, insofar as it relates to adults.
3. Any health related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to adults.
4. To exercise the Council's community care responsibilities for adults.
5. To exercise the Council's functions regarding the procedures for dealing with complaints and representations relating to personal social services for adults.
6. To administer and provide grants, loans, charges and other forms of assistance for adults.
7. To make provision and act in accordance with legislation relating to mental health.
8. To exercise the Council's functions and powers in relation to commissioning of adults social care and personalisation.
9. To authorise disabled adaptations and home repair assistance.

TO THE DIRECTOR OF ENVIRONMENT & LEISURE

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To exercise the Council's powers in connection with the provision of Leisure and sports centres; entertainment services, libraries, arts museums and civic halls
2. To exercise all the Council's responsibilities, functions, duties and powers under all legislation in relation to environmental and public protection services
3. Environmental Health Powers:-
 - (a) In regulating waste disposal to act in accordance with Control of Pollution and Environmental Protection legislation
 - (b) To carry out all action necessary under environmental health, including food safety, safety at sports grounds, petroleum licensing, explosives, health and safety and related legislation.
4. Cemetery and Cremation service - to authorise the granting of exclusive rights of burial, exhumations and paupers burials
5. To exercise all the Council's duties and powers under legislation in relation to trading standards
6. Licensing Powers – To carry out all licencing and registration functions other than any specifically delegated to other Directors.

TO THE DIRECTOR OF HOUSING & LOCALITIES

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To exercise all powers and functions in relation to the Council's housing responsibilities.
2. The provision of neighbourhood services and engagement including lifelong learning.
3. Community Safety responsibilities and authorisation of action in connection with the Authority's duties under Section 17 of the Crime and Disorder Act 1998.
4. To exercise all relevant powers under the Anti-Social Behaviour, Crime and Policing Act 2014.
5. To exercise all relevant powers under the Counter Terrorism and Security Act 2015.

6. To exercise the Council's powers in connection with the provision of Young Peoples Services.
7. Responsibility for the delivery of civil contingencies functions, in consultation with the Chief Executive

TO THE DIRECTOR OF GROWTH & PROSPERITY

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the Growth & Prosperity department

Planning Powers

1. To seek planning permission on behalf of the Council.
2. To determine applications for planning permission, except where:
 - approval would override an objection from an individual PROVIDED those objections are not planning related consideration/s as listed under Material Considerations in the "what's material" paper published with each agenda.
 - the decision would be contrary to the development plan or prejudicial to Council policy;
 - the application is referred to the Planning & Highways Committee under the Member Referral Scheme.
 - the application is for a large scale one within the definition for the time being prescribed by central government.
 - the application is by or on behalf of a Member of the Council;
 - the application is by or on behalf of the Council's senior management team, a service unit head, an officer of the Planning Service or any other officer with direct input to, and therefore could influence the application
3. To determine all commercial applications proposed on development sites that are designed as industrial/business development land in the adopted Local Plan, and where the proposal will not override a material objection, to be determined by the Head of Regeneration (Planning & Transport).
4. To determine applications in relation to protected trees and hedgerows
5. To determine applications for lawful development certificates.
6. To authorise the service of planning contravention notices, breach of condition notices and stop notices.
7. To deal with formal complaints and to set and adjust fees in relation to formal complaints under the Anti-Social Behaviour Act 2003 (Part 8, High Hedges Legislation).

8. Where urgent action is required and following consultation with the Chair of the Planning and Highways Committee to exercise all powers of the Council as local planning authority including the service of enforcement notices, stop notices, planning contravention notice or breach of condition notice, building preservation notices and to authorise applications for injunctions in respect of breaches of planning control and listed buildings
9. To determine on all matters relating to all Prior Notification/Prior Approval applications made under the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

Other Powers

1. To take action in connection with the management of the Borough's market undertakings and fairs.
2. To approve temporary markets with charitable elements subject to conditions set out.
3. To make temporary orders in accordance with the Road Traffic Regulations (Special Events) Act 1994.
4. To authorise action in accordance with highways and road traffic legislation and to have client responsibility for the administration of car parks.
5. To exercise the Council's functions in relation to public transport.
6. To exercise all the functions of a commons registration authority and of a town or village green registration authority save for decisions (1) to amend the Register of Commons and the Register of Town or Village Greens and (2) to set fees.
7. To consider and determine Reviews of the Listing of Assets of Community Value under the Assets of Community Value (England) Regulations 2012, following consultation with the Executive Member for Resources and the Executive Member for Regeneration and other consultees as appropriate.
8. To exercise the functions relating to building control.

TO THE DIRECTOR OF PUBLIC HEALTH

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

1. To undertake overall responsibility for all of the local authority's duties to take steps to improve public health and to provide officers and elected members with appropriate advice,

based on a pattern of local health need, of what works and potential returns on public health investment.

2. To undertake any of the Secretary of State's public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations, – including services mandated by regulations made under section 6C of the NHS Act 2006.
3. To plan for, and respond to, emergencies that present a risk to public health, in consultation with the council's emergency planning officer where appropriate.
4. To undertake local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders
5. To be responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, including making representations about licensing applications under sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the Health and Social Care 2012.
6. To be responsible for providing Healthy Start vitamins at any maternity or child health clinic commissioned by the council, in accordance with the Healthy Start and Welfare Food Regulations 2005 as amended by the Health and Social Care Act 2012.
7. To produce and update as necessary the Joint Strategic Needs Assessment in consultation with the Clinical Commissioning Group.
8. To lead on and co-ordinate the development, production, publication and updating of the Blackburn with Darwen Joint Health and Wellbeing Strategy in consultation with the Clinical Commissioning Group.
9. To develop and implement a system for collecting and analysis data to deliver the Public Health Outcomes Framework.
10. To produce the Director of Public Health's annual report.
11. To provide public health advice to NHS commissioners to help secure:
 - Commissioning strategies that meet the needs of vulnerable groups
 - The development of evidence-based care pathways and service specifications
 - Evidence-based prioritisation policies
 - Health needs audits and health equity audits and health impact assessments
12. To ensure delivery of the National Child Measurement Programme.
13. To secure the delivery of the NHS Health Check assessment.
14. To ensure appropriate access to sexual health services.
15. To ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services.
16. To maintain a particular focus on ensuring disadvantaged groups receive the attention they need, with the aim of reducing health inequalities

DELEGATIONS TO CAPITA BUSINESS SERVICES LTD UNTIL JUNE 2016

(NOTE The current arrangements with Capita Business Services Ltd are due to end in June 2016, so the delegations below maybe subject to change during 2015-16)

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.

The following powers may be exercised by any person nominated by the Business Centre Manager.

They are subject to the restrictions contained in:

- The general limitations on the exercise of delegated powers by Chief Officers.
- The provisions of the Strategic Partnership Agreement.
- The provisions of relevant Statutory Instruments issued under Section 70 of the Deregulation and Contracting Out Act 1994.

Highways Powers

1. The powers to maintain the highway and to make improvements and carry out works to the highways and associated equipment.
2. The powers to issue licenses and take action in respect of skips, scaffolding, the deposit of building materials and the excavation of streets.
3. The powers to require the removal of structures or trees from the highway.
4. The powers under the New Roads and Street Works Act 1991 in respect of the co-ordination of street works etc.
5. Save where the Council or the Executive Board (as applicable) determines otherwise those other powers set out in The Contracting Out (Highway Functions) Order 2009

Note: these powers do not include:

- a. Any powers of entry onto premises
- b. The power to make charges under section 74 of the New Roads and Streets Works Act 1991

Finance Powers

1. Subject to and in accordance with the Strategic Partnership Agreement the powers set out in. The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996

Note: This power does not permit Capita staff to make applications for warrants of commitment on behalf of the Council.

Other powers

1. Subject to and in accordance with the Strategic Partnership Agreement the powers set out in the Contracting out (Functions of Local Authorities: Income-Related Benefits) Order 2002 (which includes authority to make determinations in relation to applications for council tax benefit and housing benefit).

