

Westmorland and Furness Council

Directors Local Scheme of Authorisation of Officers.

1. Cross Directorate matters

In the Constitution, the Leader and Full Council delegate certain powers and functions to the Chief Executive and Corporate Directors (the Chief Officers). This is set out in the **Officer Scheme of Delegation** at Part 2, Section 6 of the Constitution.

The responsibility for the exercise of non-executive functions rests with Council and is delegated to its Committees and to officers of the Council.

Likewise, responsibility for the exercise of executive functions rests with the Leader and these powers are delegated in accordance with the Leader's scheme of delegation.

Except for those matters that are delegated to a specific officer due to their statutory role or designation, the approach of the Officer Scheme of Delegation is to delegate all matters that have not been reserved to Council, Leader and Cabinet or a Committee to the appropriate Chief Officer. Each Chief Officer must then develop and maintain their own Local Scheme of Authorisation to Officers which will be published on the Council's website. This Local Scheme of Authorisation sets out how officers are authorised at the appropriate level.

This is the Directors Local Scheme of Authorisation to Officers (Including Assistant Chief Executive). It describes how each Chief Officer has authorised officers in their Directorate to exercise powers and functions on their behalf.

The purpose of this scheme is to provide a streamlined, clear and simple decision-making process. Directors should therefore avoid detail and assign authorisations to posts/levels rather than individual officers.

This scheme is subject to restrictions and requirements in the Council's Constitution, including the Contract Procedure Rules, the Financial Procedure Rules and other Procedure Rules, and any specific reservations or delegations determined by the Council, Committee or Leader and Cabinet. It should be read in conjunction with the **Officer Scheme of Delegation** (see Part 2 Section 6 of the Council's Constitution).

General Notes

Except for matters that are authorised to an officer due to their Statutory Role or where a specified professional qualification is required, the authority assigned to an officer within a team for any matter is automatically assigned to any officer within the team at a more senior level. Proper Officer functions may be discharged by other officers duly authorised by Directors and/or Chief Officer(s) to act in the name of the Proper Officer concerned.

In the event of the Corporate Director (or their designated deputy) not being available for whatever reason then the next most senior officer of the Directorate will be authorised to

implement these powers. Where an authorisation is to be exercised by an officer threshold which does not exist within that directorate, the authorisation is automatically assigned to the next lower threshold of officer. For example, if a decision were to be taken by an Assistant Director and a directorate did not have an Assistant Director, the authorisation would automatically be assigned to a Senior Manager within that directorate. Where any new duty is given to the Council which does not fall within this Local Scheme of Authorisation, the exercise of that duty shall be undertaken by the relevant Director until such time as the Council or Leader & Cabinet has allocated responsibility.

Where a function is delegated to an officer, they may authorise the carrying out of that function in their name by other officers within their department, directorate, team, unit or section (or such other officers as report to them directly or indirectly) either fully or under the general supervision and control of the authorising officer.

It is impossible and impractical to capture all decisions which are taken by an officer; this scheme focuses on high level decisions and does not cover many of the day-to-day decisions individual officers take which are essential to business continuity. When contemplating making a decision under authorised powers, therefore, the officer should consider whether the proposed decision:

- Is sufficiently important and/ or sensitive so that it is reasonable for a member of the public to expect it to be taken by an elected, decision-making body (in which case the officer should arrange for it to be taken by that body)
- Is purely administrative and is only remotely connected with the Executive function/relevant committee (in which case an officer decision notice is unlikely to be required)
- Is so minor or routine that it is reasonable to consider it to be of no interest to a member of the public

In in doubt, officers should seek advice from the Chief Legal and Monitoring Officer who will also advise on the appropriate template for the decision.

These cross-directorate matters have been authorised as follows:

Authorised by	Date last updated
Sam Plum, Chief Executive and relevant Corporate Directors	APRIL 2023

(a) Management of staff

Refer to the relevant HR policy for matters not authorised below

Decision	Officer Level
Approval of HR policies	Chief Executive in consultation with the Corporate Management Team
Approval of Special Severance Payments (excluding maintained schools) (excluding Chief Officers) in accordance with the Local Government Act 1999 and associated legislation up to £20,000 .	The Director of Enabler Services and Director of Resources (S151 Officer) in consultation with Assistant Director HR/OD, relevant Corporate Director Chief Legal Officer and Monitoring Officer.

Decision	Officer Level
Approval of Special Severance Payments (excluding maintained schools) (excluding Chief Officers) in accordance with the Local Government Act 1999 and associated legislation of between £20,000 and £99,999	The Director of Enabler Services and Director of Resources (S151 Officer) in consultation with Assistant Director HR/OD, relevant Corporate Director Chief Legal Officer and Monitoring Officer and the Leader.
Approval of all other severance payments in accordance with the Local Government Act 1999 and associated legislation	The Director of Enabler Services and Director of Resources (S151 Officer) in consultation with Assistant Director HR/OD, relevant Corporate Director, Chief Legal Officer and Monitoring Officer, unless otherwise delegated by the Staffing / Other Committee.
Approval of Special Severance Payments (excluding maintained schools) in accordance with the Local Government Act 1999 and associated legislation of £100,000 or more	Full Council
Recruitment to any role above the budgeted establishment with the exception of maternity leave and long-term sickness cover	Director in consultation with Corporate Management Team.
Appointment of any non-permanent workers outside the managed service provider contract	Corporate Director in consultation with Assistant Director HR/OD
Initial escalation of employment policy matter	Assistant Director HR/OD
Second escalation of employment policy matter	Any Corporate Director
Final escalation of employment policy matter	Chief Executive
Authority and power to take disciplinary action against and for the dismissal of employees within their area of responsibility	Assistant Director and where appropriate to authorise relevant Senior Manager responsible for the service
Authorising recruitment of non-permanent workers through managed service provider contract - up to the value of £99,999.99	Senior Manager with responsibility for the service in consultation with Assistant Director HR/OD
Authorising recruitment of non-permanent workers through the managed service provider contract - £100,000 and above and	Assistant Director

Decision	Officer Level
for workers with tenure of more than 12 months	
Authorising recruitment of permanent/fixed term staff within budget	Corporate Director
Authorising overtime and expenses payments up to £2000	Corporate Director in consultation with Pay and Reward and Assistant Director HR/OD
Authorising acting-up payments and honoraria	Corporate Director
Approval of special leave and unpaid leave	Assistant Director
Approval of extension of sick pay	Corporate Director in consultation with Assistant Director HR/OD
Approval of carry over buy-out of annual leave	Senior Manager responsible for the service Director to approve buy out of annual leave
Approval of career break applications	Relevant Assistant Director
Approval of applications for additional employment	Assistant Director
Service structure changes (including changes to the establishment)	Corporate Director (in consultation with CMT)
Approval of changed and new job descriptions	Assistant Director
Authorisation for retirement and pension transfer	Assistant Director HR/OD , in consultation with Corporate Director and Director of Resources
Declaration of posts to be redundant and service of any notices or taking any steps as necessary to implement such redundancies.	Corporate Director in consultation with Director of Enabler Services, Chief Legal and Monitoring Officer and , Director of Resources/151 and Assistant Director for HR and OD
Any special conditions of service whether for potential or existing officers.	Director of Enabler Services
Attendance by officers at training courses in accordance with the Council's officer training schemes or at conferences and external meetings.	Senior Manager responsible for the Service.

(b) Finance

(i) Contracts

The Council's **Contract Procedure Rules** are set out in the constitution at Part 3 Section 7 and detail the thresholds below which officers may commence procurement and award contracts.

For advice on procurement processes, officers should contact the Procurement team. For advice on the exercising of financial powers, officers should contact the Finance team. For advice on contractual issues, officers should contact the Legal team.

Decision	Officer Level
Placing such emergency contracts/orders as necessary by means that are reasonable under the circumstances in the case of an extreme emergency where there is immediate danger to the safety of persons or serious risk of immediate loss or damage to the Council's assets or interests, or the interests of another party.	Any Chief Officer and Assistant Director Commissioning & Procurement NB The Portfolio Holder and Director of Resources / S151 must be consulted and the Monitoring Officer

(ii) Budget Management

The Council's **Finance Procedure Rules** are set out in the constitution at Part 3 Section 6 and detail the requirements which officers must follow when conducting financial affairs.

For advice on financial management, officers should contact the Finance team.

For decisions over £500,000 the key decision rules apply

(iii) Application for Grants

Decision	Officer Level
Submission of grant funding applications (provided they align with the Budget and Policy Framework)	Corporate Director in consultation with Portfolio

	Holder, Leader, Finance Portfolio Holder and Director of Resources
Providing written confirmation of support for external partners bidding for grant funding	Corporate Director in consultation with Director of Resources and Chief Legal & Monitoring Officer
Approval for the council to enter into grant agreements or contracts where the council is the recipient of funding	Corporate Director NB successful bids for funding to be reported to Cabinet NB approval of Accountable Body status can only be made by Cabinet
Authorising the payment of non-statutory grants (e.g. to businesses or support organisations)	Corporate Director in consultation with Chief Legal & Monitoring Officer and Director of Resources NB Cabinet decision where payment is over £150,000 and is outwith approved budget

(iv) Insurance –

Decision	Officer Level
<p>To notify the Assistant Director Finance variations to the extent or nature of risks to be insured to ensure the council complies with the Duty of Fair Presentation of the Insurance Act 2015 and associated legislation.</p> <p><i>Examples of such variations include: change in type of work undertaken, significant acquisitions, substantial work to property or change in its use, and other matters that materially increase the risk of loss, damage or injury that may give rise to a claim under the insurance policy.</i></p>	Senior Manager responsible for the Service
To notify the Assistant Director Finance (and also the Police where appropriate) any incident or loss, which could give rise to an insurance claim.	Senior Manager responsible for the Service

(c) Governance

i) Authorisation of reports

The following authorisation thresholds apply to reports produced by the authority. However, when the Corporate Director considers it to be appropriate, or when an officer within their directorate holds a statutory role, another officer may authorise a report.

Decision	Officer Level
Reports to Corporate Management Team	Corporate Director or Statutory Officer
Reports to Committees /Cabinet	Corporate Director or Statutory Officer
Reports to Locality Boards	Corporate Director or Statutory Officer
Reports to Regulatory Committees	Corporate Director or Assistant Director
Financial implications in reports	Director of Resources / S151 Officer per report-writing guidance
Legal implications in reports	Chief Legal Officer and Monitoring Officer Legal officer per report-writing guidance
HR implications in the reports	HR officer per report writing guidance
Equalities Impact Assessment accompanying a report (when applicable)	Assistant Director
Climate Change impacts	Thriving Places Officer per report writing guidance
Socio and economic impacts	Thriving Communities Officer per report writing guidance

ii) Authorisation of Decision Notices –

The following authorisation thresholds apply to records of decisions taken by officers of the authority. These matters are formally set out in the council's constitution and the legislation but are outlined here for ease of reference.

Decision	Officer Level
Delegated Officer Decision Notices	Corporate Director with Legal and Finance sign off
Key Decisions	Corporate Director with Legal and Finance sign off

Decision	Officer Level
Urgent Key Decisions	Corporate Director in consultation with Chief Legal & Monitoring Officer, Director of Resources and either Leader, Chair of Council or Chair of Overview and Scrutiny Committee as appropriate
Urgent Decision Notices	Corporate Director in consultation with Chief Legal & Monitoring Officer, Director of Resources and either Leader, Chair of Council or Chair of Overview and Scrutiny Committee as appropriate
Shareholder Decision Notices	Director of Resources or appointed nominee
Financial implications in decision notices	Finance officer per report-writing guidance
Legal implications in decision notices	Legal officer per report-writing guidance
Equalities Impact Assessment accompanying a decision notice (when applicable)	Assistant Director

(d) Communications

Decision	Officer Level
Responses to Members' enquiries	Any officer with sufficient knowledge and expertise
Responses to formal requests for information, e.g.: <ul style="list-style-type: none"> • Freedom of Information Act 2000 • Environmental Information Regulations 2004 • Subject Access Requests 	Refer to relevant procedures. In the absence of such a procedure, the officer level of authorisation is Senior Officer responsible for the service
Responses to corporate complaints	Refer to Complaints Procedure.

Decision	Officer Level
	In the absence of such a procedure, the officer level of authorisation is Senior Officer responsible for the service
Press releases – with potential for political or reputational impact	Service Manager responsible for Communications
Press releases – without potential for political or reputational impact	Assistant Director in consultation with Service Manager for Communications
Authorisation of social media posts on council channels	Senior Manager or any member of the council's Communications team as authorised by the Senior Manager for Communications

(e) Legal

Decision	Officer Level
To arrange legal representation, as may be considered appropriate	Chief Legal & Monitoring Officer
Authorisation of statutory notices	Chief Legal & Monitoring Officer
Commencement of legal proceedings	Chief Legal & Monitoring Officer
Recommendations to prosecute offenders	Assistant Director
To consult with the Chief Legal & Monitoring Officer and Director of Resources where the Council is requested to give an indemnity.	Assistant Director
Responsibility for Contract Register	Chief Legal & Monitoring Officer

(f) IAA Agreements

Decision	Officer Level
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All Directors authorise those officers within hosted services to carry out those functions as set out in the Inter Authority Agreement and Waste Inter-Authority Agreement	Relevant officer within the service

1. Assistant Chief Executive

Authorised by	Alison Hatcher, Assistant Chief Executive
Date last updated	

Delegated Matter – appointment of Deputy	Officer
To exercise the functions of the Assistant Chief Executive in the absence of, incapacity of or vacancy in the post.	Relevant Senior Manager with responsibility for the area save for those functions which are to be taken only by Chief Officers

The following functions and powers are reserved to the Assistant Chief Executive (or in their absence the relevant Officer)	Officer
<ul style="list-style-type: none"> • The power to refer a decision to Members • Those powers and functions set out in the Specific Delegations, save as authorised below; • Any other powers or functions which the Assistant Chief Executive may from time to time reserve to herself/himself. 	

Delegated Matter in respect of Policy and Partnership	Officer Level
Policy & Partnership	Senior Manager with responsibility for this area
Corporate & Service Policy	Senior Manager with responsibility for this area
Policy Framework	Senior Manager with responsibility for this area
Council Plan, Business & Service Plan development	Senior Manager with responsibility for this area
Scrutiny (Policy function)	Senior Manager with responsibility for this area
Partnership Development and Direction Setting	Senior Manager with responsibility for this area
Equality & Diversity Business Intelligence	Senior Manager with responsibility for this area
Corporate & Service Policy Performance & Improvement	Senior Manager with responsibility for this area

Delegated Matter in respect of Business Intelligence	Officer Level
Engagement & Participation Project Management Office (PMO)	Senior Manager with responsibility for this area
Transformation & Business Change	Senior Manager with responsibility for this area
Internal Programme & Project Management	Senior Manager with responsibility for this area
External Funding and Accountable Body Programme Assurance Support	Senior Manager with responsibility for this area

Delegated Matter in respect of Communications	Officer Level
Insight & data, Analysis & trends, Research Communications	Senior Manager with responsibility for this area
Corporate, Internal, External & Partner Communications	Senior Manager with responsibility for this area
Active Press & Media Relations & Reputation Management	Senior Manager with responsibility for this area
Promotion of the Westmorland & Furness brand	Senior Manager with responsibility for this area

Note – see also section on Communications in Cross Directorate issues.

Delegated Matter in respect of Joint Emergency Management & Resilience Team (JEMR)	Officer Level
Emergency Planning and civil protection preparedness	Senior Manager with responsibility for this area

2. Director of Adult Social Care

Authorised by	Cath Whalley, Director of Adult Social Care
Date last updated	

Delegated Matter – appointment of Deputy Statutory Officer:	Officer
To exercise the functions of the Director of Adult Social Care Services under Section 6 of the Local Authority Services act 1970(as amended) in the absence of, incapacity of or vacancy in the post of Director of Adult Social Care	Assistant Director Care Services Assistant Director ASC Operations Assistant Director Quality & Resources (ASC AD's)

The following functions and powers are reserved to the Director of Adult Social Care (or in their absence the relevant Assistant Director)	Assistant Director
The management including the power to terminate contracts funded from the budget of the Director for the provision by third parties of services for adults including individual and group care packages.	ASC AD's in consultation with AD Commissioning

The following functions and powers are made exclusively to the roles identified:	Officer/s
Nominated Individual for the purposes of Regulation 6 of the Health and Social Care Act 2008 (Regulated Activity) Regulations 2014.	AD Care Services

Delegated Matter – Operations Managers in Adult Social Care within their areas of responsibility & in the ordinary course of their duties:	Officer Level
<p>Exercise all social services functions as specified in Schedule 1 of the Local Authority Social Services Act 1970 (as amended) which relate to adults over the age of 18</p> <p>Take any lawful action that they deem appropriate about the services to be provided to an individual or action to be taken in respect of an individual (including the use of any discretion provided for in national or local schemes of charges to service users and assistance with legal costs of a third party)) and all the powers and duties of the Council under the Mental Health Act 1983 (as amended), the Mental Capacity Act 2005, the Care Act 2014 and other legislation relating to health, welfare, capacity or the care of adults.</p>	ASC AD Care Services

Delegated Matter – Senior Managers Service Managers & Team Managers in Adults Social Care within their areas of responsibility & in the ordinary course of their duties:	Officer Level
<p>To commence, defend, settle or involve the Council in any potential or actual civil or criminal proceedings arising within their functional area in consultation with the Chief Legal Officer.</p> <p>To deal with Complaints about the discharge of the Council’s adults social services functions in accordance with procedures established by the Council from time to time and the relevant regulations</p>	<p>Senior Managers Service Managers Team Managers Urgent Care Team</p>

Delegated Matter	Officer/Body
<p>The powers to incur expenditure at the Assistant Director level as set out above This will be during times of operation where an Adult Social Care Emergency Duty Team function is applicable (Out of office hours)</p>	Urgent Care Team (UCT)

Delegated Matter	Officer/Body
<p>Make applications to the Court of Protection and to undertake the role of Deputy for property and financial affairs in accordance with the Mental Capacity Act 2005 on appointment by the Court of Protection.</p>	<p>Client Affairs Officers Urgent Care Team Mental Health Team</p>
<p>Apply for and undertake the role of appointeeship with the Department for Work and Pensions under the Social Security (Claims and Payments) Regulations 1987, the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 and associated legislation.</p> <p>To sign documents relevant to undertaking the roles as Deputy and appointee.</p> <p>Approval of paperwork to secure solicitors in relation to deputyship matters.</p>	<p>Client Affairs Officers</p>
<p>To undertake the Council's role as supervisory body in respect of deprivation of liberty in accordance with Schedule A1 of the Mental Capacity Act 2005 or any amending legislation.</p>	<p>DOLS Manager Senior Managers with necessary DOLS training</p>
<p>Authorisation of a Deprivation of Liberty order</p>	<p>DOLS Manager Senior Managers with necessary DOLS training</p>

Delegated Matter	Officer Level
<p>Approval of paperwork for court protection orders</p>	<p>Client Affairs Team Manager</p>
<p>Signatory for paperwork on:</p> <ul style="list-style-type: none"> • Applying for access to bank accounts • Applying for access to stocks and shares • Writing and confirming changes in details • Applying for access to private pensions • Reports to the Office of the Public Guardian 	<p>Client Affairs Officers</p>

Delegated Matter	Officer Level
Approval of paperwork for selling of property	Client Affairs Team Manager
Approval of paperwork for house clearances	Client Affairs Team Manager
Arrange Care Packages, weekly Value up to £980	Team Manager
Arrange Care Packages, weekly Value £980 to £1,900	Service Manager
Arrange Care Packages, weekly Value above £1,900	Senior Manager

Delegated Matter to Assistant Directors	Officer Level
To accept a guardianship application and to make an order for discharge of patients subject to guardianship under the Mental Health Act 1983	ASC Assistant Director Operations
Caldicott Guardian	ASC Assistant Director Operations
	Assistant Director of Care Services
	Assistant Director of Quality Resources & Transformation

3. Director of Enabler Services

Authorised by	Paul Robinson Director of Enabler Services
Date last updated	

Delegated Matter – appointment of Deputy	Officer
To exercise the functions of the Director of Enabler Services in the absence of, incapacity of or vacancy in the post.	Assistant Directors within the Director of Enabler Services or Chief Legal and Monitoring Officer

The following functions and powers are reserved to the Director Enabler Services (or in their absence the relevant Assistant Director):	Assistant Director
To approve in consultation with the Chief Legal Officer (Monitoring Officer) and Finance Director (s151 Officer) any redundancies and Settlement Agreements.	Assistant Director HR/OD
To approve, in consultation with the relevant portfolio holder, all establishment changes proposed by the relevant director, in respect of posts below the level of deputy chief officer.	Assistant Director HR/OD

Delegated Matter to Assistant Director of HR/ OD	Officer Level
To approve requests for the extension of contractual sick pay entitlement.	Assistant Director HR/OD
To approve requests for temporary Additional Responsibility Pay.	Assistant Director HR/OD
To approve requests for payment of honoraria for all posts which exceeds £2000, as a one-off payment, or more than two honoraria payments within a 24-month period.	Assistant Director HR/OD

Delegated Matter to Assistant Director of HR/ OD	Officer Level
To approve in consultation with the Chief Legal Officer (Monitoring Officer) requests for approval of outside interests or employment made by employees.	Assistant Director HR/OD
In special circumstances, to approve travelling and subsistence expenses for employees in excess of those generally approved by the Council where expenses in excess of allowances are unavoidable.	Assistant Director HR/OD
To authorise, in consultation with the Finance Director (s151 Officer), recruitment and retention incentives.	Assistant Director HR/OD
In relation to the Council's relocation expenses scheme to have discretion to approve other arrangements to allow for flexibility in the recruitment process, for example, extend timescales, enhance allowances etc subject to satisfying Inland Revenue requirements where Tax and NI deductions are concerned.	Assistant Director HR/OD
To exercise the discretions under the Council's Statement of Policy on Discretions under the Local Government Pension Scheme Regulations for current and former employees below Deputy Chief Officer level in consultation with the Chief Officer responsible for that service area, the Director of Finance (s151 Officer) and the Chief Legal Officer (Monitoring Officer).	Assistant Director HR/OD
To prepare reports for Staffing Committee in respect of the employment of Chief Officers and preparation of the annual Pay Policy Statement for recommendation to Council. To prepare reports for Staffing Committee and the Independent Persons Panel in respect of the dismissal of Chief Officers.	Assistant Director HR/OD

Delegated Matter to Assistant Director of ICT	Officer Level
To make any urgent decisions relating to cyber security, business continuity, protection of the Councils assets, hardware, software, data centres and infrastructure.	Assistant Director - ICT
All duties and responsibilities relating to the role and responsibility as the Senior Information Risk Owner	Chief Legal and Monitoring Officer and Assistant Director for ICT

Delegated Matter to Assistant Director of Customer & Digital	Officer Level
Administration of Freedom of Information, SARS and Data Protection related matters	Assistant Director Customer Services

Delegated Matter to Chief Legal & Monitoring Officer	Officer Level
S36 Reviews	Chief Legal & Monitoring Officer Deputy Monitoring Officer & Principal Solicitors
In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, to advise on the power to review, consider and determine decisions to list land or property as Assets of Community Value	Chief Legal & Monitoring Officer Deputy Monitoring Officer & Principal Solicitors

4. Chief Legal and Monitoring Officer

Authorised by	Linda Jones Chief Legal & Monitoring Officer
Date last updated	

Delegated Matter	Officer
Deputy Monitoring Officer (authorised to act in the absence of, incapacity of or vacancy in the post of Chief Legal Officer)	TBA

The following functions and powers are reserved to the Chief Legal & Monitoring Officer (or in their absence the relevant Officer):	Officer
To authorise any officer of the authority to prosecute or defend or otherwise appear in proceedings before a Magistrates Court under section 223 of the Local Government Act 1972	Chief Legal & Monitoring Officer (or in their absence the Deputy Monitoring Officer)
To authorise officers to represent the council in the magistrates court for all matters relating to the recovery of council tax and non domestic rates. including; <ul style="list-style-type: none"> • Institute or defend proceedings for the recovery of council tax, or in connection with liability for the application of discounts and exemptions, • Requests for statutory information for distraint, attachment of earnings orders, attachment of benefit orders, committal to prison, application and issue of charging orders, issue proceedings for winding up or bankruptcy. 	Chief Legal & Monitoring Officer (or in their absence the Deputy Monitoring Officer)

Delegated Matter	Officer Level
To Institute and defend legal proceedings on behalf of the Council under s222 Local Government Act 1972	Deputy Monitoring Officer or Principal Solicitors
To authorise and instruct Counsel (other than Kings Counsel)	Deputy Monitoring Officer or Principal Solicitors
To instruct external solicitors (subject to a written quote & using North West Legal Consortium rates wherever possible).	Deputy Monitoring Officer or Principal Solicitors
To attest and witness the affixing of the Council Seal to documents	Deputy Monitoring Officer or Principal Solicitor
To prepare and execute any contract, agreement, conveyance or other document necessary to give effect to a decision of the Council, a Committee, Sub-Committee or officer acting under delegated functions	Deputy Monitoring Officer or Principal Solicitors
To monitor and review the Council's Constitution	Deputy Monitoring Officer
To authenticate and serve statutory notices and to place public notices and advertisements, as may be necessary or expedient for the discharge of functions	Deputy Monitoring Officer or Principal Solicitors
To grant dispensations to Councillors or Coopted members under Section 33 of the Localism Act 2011 where it is considered appropriate to do so and as set out in the Constitution under the delegations to the MO	Deputy Monitoring Officer
Senior Responsible Officer for codes of practice and guidance related to the Regulation of Investigatory Powers Act 2000	Deputy Monitoring Officer or Principal Solicitors
<p>To authorise officers in writing to represent the Council in proceedings before the Court for the grant and renewal of authorisations relating to:</p> <ul style="list-style-type: none"> • directed surveillance; • use of covert human intelligence sources; and • acquisition of communications data <p>Pursuant to S23A, S23B, S32A, and S32B of the Regulation of Investigatory Powers Act 2000.</p>	Deputy Monitoring Officer
Responses to the Local Government Ombudsman	Deputy Monitoring Officer

5. Director of Children Services

Authorised by	John Readman, Interim Director of Children's Services
Date last updated	

Delegated Matter – appointment of Deputy Statutory Officer:	Officer
To exercise the functions of the Director of Children's Services under the Children Act 2004 and Section 22 of the Children Act 1989 in the absence of, incapacity of or vacancy in the post of Director of Children's Services	Assistant Director of Children & Families

The following functions and powers are reserved to the Director of Children's Services (or in their absence the relevant Assistant Director):	Assistant Director
Approval to convene a secure panel and recommendation goes to AD & DCS	Assistant Director of Children and Families.
Approval to place a child or young person at a distance in accordance with the Care Planning, Placement and Case Review (England) Regulations 2010	Assistant Director of Children & Families
Approval for a child looked after to join the Armed Forces	Assistant Director of Children & Families

The following functions and powers are reserved to the Director of Children's Services (or in their absence the relevant Assistant Director):	Assistant Director
<p>Deciding to cease looking after a 16 or 17 year old young person who is looked after by virtue of a Care Order</p> <p>Notification to Ofsted following the death of a child looked after/serious harm to a child in a children's home or foster care.</p> <p>Notification to the Secretary of State and all with parental responsibility following a death of a child/serious harm in a children's home or foster care.</p> <p>Notification to Ofsted of a serious case review.</p> <p>Decision to place a child subject to a care order or an interim care order with parents or persons with parental responsibility.</p> <p>Agree any stay with parent for more than 24 hours.</p> <p>Approval/External Residential Placement (short term),</p> <p>Approval for external residential or IFA (long term)</p> <p>Approval and sign off of unregulated provision.</p> <p>Agreement to authorise absence from education (CLA child)</p> <p>Agreement for young person over 18 years old to remain in residential placement.</p>	<p>Assistant Director of Children & Families</p>

The following functions and powers are made exclusively to the roles identified:	Officer/s
<p>Responsible Individual in accordance with Regulation 26 of the Children's Homes (England) Regulations 2015.</p>	<p>Named Responsible Individual as registered with Ofsted</p>
<p>Registered Manager of Council's Children's Homes in accordance with Regulation 27 of the Children's Homes (England) Regulations 2015.</p>	<p>Named Responsible Individual as registered with Ofsted</p>

The following functions and powers are made exclusively to the roles identified:	Officer/s
The role of appointing Independent Reviewing Officers to Children's Services files in accordance with the Children Act 1989.	Assistant Director of Quality and Transformation
Learning Improvement service	Assistant Director of Education and Inclusion
Inclusion service	Assistant Director of Education and Inclusion
Schools	Assistant Director of Education and Inclusion
Traded services	Assistant Director of Education and Inclusion
Short break services	Assistant Director of Education and Inclusion
Authorisation of statutory penalty notices for taking families to court for non-attendance at school	Assistant Director of Education and Inclusion

Delegated Matter – Team Managers in Children's Social Care within their areas of responsibility & in the ordinary course of their duties:	Officer/s
Assessment/Care Planning – Child in Need of Support Approve Child & Family Assessments	Team Managers
Risk Management/Care Planning – Child in Need of Protection Convene Strategy Meetings and Initial Child Protection Conference. Recommendation that a CPP no longer required	Team Managers
Legal Gateway Court Proceedings – Child in Need of Care Authorise final statement	Team Managers

Delegated Matter – Team Managers in Children’s Social Care within their areas of responsibility & in the ordinary course of their duties:	Officer/s
Quality assurance of final care plan	
Child/Young Person Looked After Agree overnight stays with parents for less than 24 hour Approve passport applications Signature of a change of name deed	Team Managers
Care Leavers Approve Pathway Assessment Approve Staying Put or Homestay arrangements Approve Pathway Plans	Team Managers
Access to Provision and Financial Decision Making Approve Section 17 expenditure below £100 or cumulative spend of £250	Team Managers

Delegated Matter – Service Managers in Children’s Social Care within their areas of responsibility & in the ordinary course of their duties:	Officer/s
Risk Management/Care Planning – Child in Need of Protection Approve viability assessments Approval to be a special guardian Authority to apply for a deprivation of liberty order	Service Managers
Child/Young Person Looked After Consent to medical examinations and treatment of CLA where the authority holds parental responsibility	Service Managers

Delegated Matter – Service Managers in Children’s Social Care within their areas of responsibility & in the ordinary course of their duties:	Officer/s
<p>Care Leavers</p> <p>Approve finance packages to provide accommodation for care leavers in higher education</p>	Service Managers
<p>Access to Provision and Financial Decision Making</p> <p>Approve Section 17 expenditure over £100 but below £1,000 or cumulative spend of £1,500</p> <p>Approve transport arrangements within their budget</p> <p>Approval of Adoption Allowance</p> <p>Approval of payment of fees to another adoption agency</p> <p>Approval of post adoption financial support arrangements</p> <p>Approve direct payments</p>	<p>Service Manager</p> <p>Service Manager</p> <p>Service Managers as part of hosted service covered by IAA</p> <p>Service Manager</p>

Delegated Matter – Senior Managers in Children’s Social Care within their areas of responsibility & in the ordinary course of their duties:	Officer/s
<p>Risk Management/Care Planning – Child in Need of Protection</p> <p>Approve an assessment under Regulation 24 of the Care Planning Placement and Review Regulations 2010</p>	Senior Managers
<p>Child/Young Person Looked After</p> <p>Approve a Local Authority Foster Placement in an emergency</p> <p>Approve out of area placements</p> <p>Consent to travel abroad</p> <p>Approval for financial contribution to the cost of court ordered assessment</p>	Senior Managers

Delegated Matter – Senior Managers in Children’s Social Care within their areas of responsibility & in the ordinary course of their duties:	Officer/s
<p>Access to Provision and Financial Decision Making</p> <p>Approve Section 17 expenditure above £1,000 and below £3,000</p> <p>Approve payment for an expert witness during legal proceedings</p> <p>Approve transport arrangements within their budget</p> <p>Approve Special Guardianship Orders Allowance</p> <p>Approval of financial contributions to the cost of court order assessments</p> <p>Agreement of any additional services commissioned by an IFA or residential</p>	Senior Managers
<p>Designated Officer Role</p> <p>Approve a compliant response exceeding 10 days</p>	Senior Managers

Delegated Matter	Officer/ Body
<p>Approve the issuing of a letter before proceedings</p> <p>Authorise proceedings under s31 of the Children Act 2004</p> <p>Approve a Local Authority CLA placement</p> <p>Approve for expert witnesses during legal proceedings</p> <p>Take such other action as the Director of Childrens Services may delegate to the Panel from time to time</p> <p>Approval to end pre proceedings (PLO)</p>	Legal & Placement Panel
<p>Approve the plan of permanence for a child looked after.</p> <p>Approve a support plan for Special Guardianship Order applications</p> <p>Confirm foster placement as permanent in accordance with the Council’s policy on permanence</p> <p>Approve significant changes to permanent placements or special guardianship arrangements;</p>	Permanence Panel

Delegated Matter	Officer/ Body
To take such other decisions as the Director of Childrens Services may delegate to the Panel from time to time	
To bring a child or young person into emergency or immediate care via an emergency protection order or where the child or young person meets Section 20 criteria.	Service and Senior Managers for Emergency Duty Team
To nominate local authority governors to local authority maintained schools and to academies. To appoint governors to Pupil Referral Units.	Assistant Director Education and Inclusion & the Governor Services Team Manager

6. Director of Thriving Places

Authorised by	Angela Jones, Director of Thriving Places
Date last updated	

Delegated Matter – appointment of Deputy	Officer
To exercise the functions of the Director of Thriving Places in the absence of, incapacity of or vacancy in the post.	Assistant Director Climate and Natural Environment Assistant Director Inclusive and Green Growth Assistant Director Sustainable Transport and Highways Assistant Director Waste and Environmental Services

The following functions and powers are reserved to the Director of Thriving Places (or in their absence the relevant Assistant Director)	Assistant Director
N/A	

Delegated Matter	Officer Level
Economic Development To exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to economic development matters including business support and grant awards	Assistant Director Inclusive and Green Growth

Delegated Matter	Officer Level
<p>Planning & Building Control To exercise all the powers and duties and discharge all functions under any relevant legislation or otherwise in relation to those powers and duties of the Council as local planning authority and in respect of building control matters which are Executive functions (other than those reserved to the Strategic Area or Local Area Planning Committees) and except those otherwise delegated to the Chief Legal Officer (Monitoring Officer). Without prejudice to the generality of the foregoing, this includes the following legislation and any regulations orders or byelaws made thereunder:</p> <ol style="list-style-type: none"> i. Town and Country Planning and Development Control as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ii. Town and Country Planning Act 1990 iii. Planning (Listed Buildings and Conservation Areas) Act 1990 iv. Planning (Hazardous Substances) Act 1990 v. Planning (Consequential Provisions) Act 1990 vi. Planning and Compensation Act 1991 vii. Environment Act 1995 viii. Countryside and Rights of Way Act 2000 ix. Planning and Compulsory Purchase Act 2004 x. Planning Act 2008 xi. Local Democracy, Economic Development and Construction Act 2009 xii. Localism Act 2011 xiii. Growth and Infrastructure Act 2013 xiv. Enterprise and Regulatory Reform Act 2013 xv. Infrastructure Act 2015 xvi. Deregulation Act 2015 xvii. Housing and Planning Act 2016 xviii. Neighbourhood Planning Act 2017 xix. Business and Planning Act 2020 xx. Environment Act 2021 xxi. Town and Country Planning (Control of Advertisements) (England) Regulations 2007 xxii. Anti-social Behaviour Crime & Policing Act 2014 xxiii. Local Government (Miscellaneous Provisions) Act 1976 xxiv. The Hedgerow Regulations 1997 xxv. Party Wall etc Act 1996 xxvi. Building Act 1984 and Building Regulations made under that Act 	<p>In respect of planning to the Assistant Director Inclusive and Green Growth</p> <p>In respect of Building Control to the Building Control Managers and Head of Building Control</p>

Delegated Matter	Officer Level
<p>Building Regulation To deal with all Building Regulation applications and related matters (including the service of notices and requesting the institution of legal proceedings by the Chief Legal & Monitoring Officer)</p>	The Building Control Managers and Head of Building Control
<p>Conservation Grants To approve within budget provision those conservation grant applications and amendments which fall within the Planning Function</p>	Assistant Director Inclusive and Green Growth
<p>Historic Building Grants To approve within budget provision Local Government (Historic Buildings) Act 1962 and Planning (Listed Buildings and Conservation Areas) Act 1990 grant applications and amendments which fall within the Planning Function.</p>	Assistant Director Inclusive and Green Growth
<p>Building Control Fees To negotiate individually assessed charges for Building Control fees as per the Building (Local Authority Charges) Regulations 2010</p>	The Building Control Managers and Head of Building Control
<p>Local Plans The preparation of Local Plans and amendments thereto and supplementary planning documents for submission to the Cabinet and approval by the Cabinet or Council and for submission to the Secretary of State for examination.</p> <p>The authorisation of application(s) to proceed with the development of a neighbourhood plan</p>	Assistant Director Inclusive and Green Growth
<p>Planning Matters Authority to carry out on behalf of the Corporate Director all matters necessary for the proper processing, administration, gathering of information, consultation, notification and determination of any application made pursuant to any enactment relating to Town and Country planning save for those specific determinations reserved to the Strategic Planning or Local Area Planning or other committee.</p> <p>To determine applications for approval of details submitted pursuant to a condition attached to a planning permission or other planning consent, including reserved matters, save for when the Assistant Director Inclusive and Green Growth considers the application should be referred to the Strategic Planning Committee or the Local Area Planning Committee.</p>	Assistant Director Inclusive and Green Growth Assistant Director Inclusive and Green Growth

Delegated Matter	Officer Level
<p>Section 106/ Section 106A Agreements To approve the Council entering into planning agreements such as agreements under section 106 of the Town and Country Planning Act 1990 and variation under section 106A [save where such a variation is contrary to Council Policy and/ or where it is a matter upon which the Assistant Director of Inclusive and Green Growth in consultation with the relevant Chair of Local Area Planning Committee / Strategic Planning Committee (as appropriate) considers the views of Members to be desirable or essential]</p>	Assistant Director Inclusive and Green Growth
<p>To exercise duties and powers in connection with the issuing of liability notices under s.65 Community Infrastructure Levy Regulations 2010</p>	Assistant Director Inclusive and Green Growth
<p>Duties and powers in connection with the issuing of Demand Notices in connection with obligations under section 106 of the Town and Country Planning Act 1990</p>	Assistant Director Inclusive and Green Growth
<p>Dangerous Places or Structures The enclosure of dangerous places, regulation of demolition work and other actions in respect of dangerous and or dilapidated buildings and other structures, neglected sites and injurious weeds and fire prevention and safety precaution matters</p>	The Building Control Managers and Head of Building Control
<p>High Hedges To exercise the Council's functions and powers relating to high hedges set out in Part 8 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof as far as these relate to Planning Functions and save for those specific determinations reserved to the Local Area Planning or other committee</p>	Assistant Director Inclusive and Green Growth
<p>Hedgerow Regulations To take any action which may be required to be taken by or on behalf of the Council pursuant to its duties and responsibilities under the Hedgerow Regulations 1997 made under the Environment Act 1995 save for those specific determinations reserved to the Local Area Planning or other committee.</p>	Assistant Director Inclusive and Green Growth
<p>Name and Number Streets To exercise the Council's powers in connection with the naming and numbering of streets</p>	Assistant Director for Inclusive and Green Growth

Delegated Matter	Officer Level
<p>Certificate of lawfulness of existing use or development and proposed use or development To determine applications submitted under Section 191 and Section 192 of the Town and Country Planning Act 1990</p>	Assistant Director Inclusive and Green Growth
<p>Environmental Impact Assessment To exercise the Council's functions and powers set out in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017</p>	Assistant Director Inclusive and Green Growth
<p>Tree Preservation Orders – Permissions To approve or refuse works to trees including felling, pruning and requirements to replant in respect of trees subject to Tree Preservation Orders save for those specific determinations reserved to the Strategic Planning or Local Area Planning or other committee.</p>	Assistant Director for Inclusive and Green Growth; Assistant Director for Waste and Environment Services
<p>Tree Preservation Orders – Making In consultation with the Chief Legal & Monitoring Officer to make and, in the absence of any objections, to confirm Tree Preservation Orders. To exercise any and all the statutory powers and duties in the Town and Country Planning Act 1990 – sections 197 to 214d and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.</p>	Assistant Director for Inclusive and Green Growth; Assistant Director for Waste and Environment Services
<p>Local Land Charges To keep the local land charges register and sign all certificates and documents in connection therewith on behalf of the Council.</p>	Assistant Director for Inclusive and Green Growth
<p>Highways including rights of way – General To exercise the functions delegated to the Corporate Director in respect of highways including rights of way, in accordance with relevant legislation including the Highways Act 1980, Road Traffic Regulation Act 1984, Road Traffic Act 1988, New Roads and Street Works Act 1991, Traffic Management Act 2004, Wildlife and Countryside Act 1981, any regulations made thereunder, save for those specific determinations reserved to the Strategic Planning or Local Area Planning or other committee</p>	Senior Manager with responsibility for this area
<p>Footpaths bridleways and restricted byways affected by development</p>	Senior Manager with responsibility for this area

Delegated Matter	Officer Level
To exercise the powers under s. 257 of the Town and County Planning Act 1990 to stop up or divert a footpath save where the application is reserved to the Strategic Planning or Local Area Planning or other committee.	
<p>Footpath bridleways or restricted byways</p> <p>To exercise the powers in sections 25 and 26, Highways Act 1980 and to exercise the powers under Part VIII Highway Act 1980 for the stopping up and diversion of highways save where those matters are reserved to the Strategic Planning or Local Area planning or other committee.</p>	Senior Manager with responsibility for this area
<p>Stopping Up and Diversion of Highways</p> <p>To authorise applications to the Magistrates Court for stopping up or diversion of highways</p>	Senior Manager with responsibility for this area
<p>Cycle Tracks</p> <p>To exercise powers under the Cycle Tracks Act 1984</p>	Assistant Director - Sustainable Transport and Highways
<p>Road Traffic Regulation Orders</p> <p>To authorise the making of orders under section 14(1) Road Traffic Regulation Act 1984 in circumstances where, in the opinion of the officer in consultation with the Chief Legal & Monitoring Officer, it is expedient to make the order:</p> <ul style="list-style-type: none"> (a) For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or (b) For preventing damage to the road or to any building on or near the road, or (c) For facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or (d) For preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or (e) Without prejudice to the generality of paragraph (d) above, for preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot, or (f) For preserving or improving the amenities of the area through which the road runs, or (g) For any of the purposes specified in section 87(1) (a) to (c) Environment Act 1995 (air quality) 	<p>Senior Manager with responsibility for this area</p> <p>Traffic Manager</p> <p>Traffic Management Manager</p> <p>Traffic Management Team Leader</p> <p>Asset Manager</p> <p>Senior Countryside Access Officer for Public Rights of Way only</p> <p>Countryside Access Officer for Public Rights of Way only</p> <p>Assistant Traffic Management Technicians</p>

Delegated Matter	Officer Level
<p>Relevant Event Orders To authorise the making of an order under section 16A Road Traffic Regulation Act 1984 in circumstances where, in the officer's opinion in consultation with the Chief Legal & Monitoring Officer, it is expedient to make the order for a 'relevant event' meaning any sporting event, social event or entertainment which is held on a road, if the traffic authority for a road is satisfied that traffic on the road should be restricted or prohibited for the purpose of:</p> <ul style="list-style-type: none"> (a) Facilitating the holding of a relevant event, (b) Enabling members of the public to watch a relevant event, or (c) Reducing the disruption to traffic likely to be caused by a relevant event. 	<p>Senior Manager with responsibility for this area</p> <p>Traffic Manager</p> <p>Traffic Management Manager</p> <p>Traffic Management Team Leader</p> <p>Asset Manager Senior Countryside Access Officer for Public Rights of Way only</p> <p>Countryside Access Officer for Public Rights of Way only</p> <p>Assistant Traffic Management Technicians</p>
<p>Town Police Clauses Act road closures To authorise the making of an order under section 21 of the Town Police Clauses Act 1847 for the purpose of preventing the obstruction of streets</p>	<p>Senior Manager with responsibility for this area</p>
<p>Motor Racing To authorise the making of orders under section 12D of the Road Traffic Act 1988 in circumstances where, in the officer's opinion in consultation with the Chief Legal & Monitoring Officer, it is expedient to make the order for the purpose of motor racing on the public highway.</p>	<p>Senior Manager with responsibility for this area</p>
<p>Urgent Restrictions/Prohibitions To authorise the issue of notices under sections 14(2)(a) and (b) of the Road Traffic Regulation Act 1984 in circumstances where, in the opinion of the officer, it is necessary for the restrictions or prohibitions sought to come into force without delay.</p>	<p>Senior Manager with responsibility for this area</p> <p>Traffic Manager, Traffic Management Manager</p> <p>Asset Manager & Senior Countryside Access Officer for Public Rights of Way only</p>
<p>Highway Agreements – s38 & 278 To enter into agreements under sections 38 and 278 of the Highways Act 1980 together with any variations, memoranda, deeds of release or supplements to such agreements, together with power to enter into Advance</p>	<p>Senior Manager with responsibility for this area</p> <p>Highway Network Engineer</p>

Delegated Matter	Officer Level
Payments Code Bonds under section 220(1) Highways Act 1980.	
Highway Agreements – s4,6,8 &59 To enter into agreements under sections 4, 6, 8 and 59 of the Highways Act 1980.	Senior Manager with responsibility for this area
Adoption of Roads – s37 To approve the adoption of roads under Section 37 of the Highways Act 1980	Senior Manager with responsibility for this area Highway Network Engineer
Highways – Small Structures To approve the placing of roadside seats, milk stands, bus shelters, telephone kiosks and other small structures within highways limits.	Senior Manager with responsibility for this area
Vehicle Crossings To approve the construction of vehicle crossings over footways and verges.	Senior Manager with responsibility for this area
Roundabout Sponsorship To enter into agreements in relation to roundabout sponsorship	Senior Manager with responsibility for this area
Highway Applications To determine applications under the Highways Act 1980 and the New Roads and Street Works Act 1991, or other relevant legislation, including, but not limited to, the following and save for those matters reserved to the Strategic Area or Local Area Planning Committees: <ul style="list-style-type: none"> (a) the placing and removal of builders skips (b) the placing and removal of apparatus in or under the highway, or the breaking open of the highway (c) the planting of trees or shrubs on the highway (d) the erection of scaffolding and hoardings on the highway (e) temporary deposits and excavations in the highway (f) services and amenities on in or under the highway (g) buildings and structures over the highway (h) wires, cables, rails and beams or other similar apparatus under, along, across and over the highway (i) laying of pipes under or in the highway (j) construction of bridges over the highway (k) erection of fences and boundary posts on the highway. (l) the approval of retaining walls (m) the installation of refuse or storage bins in Council roads. 	Senior Manager with responsibility for this area
Works On or Near Highway To grant consents and impose requirements in connection with works in highways or on adjacent premises and to	Senior Manager with responsibility for this area

Delegated Matter	Officer Level
require hoardings to be set up during building operations abutting on Council roads.	
Private Streets To carry out the Council's functions under section 230 of the Highways Act 1980 (relating to private streets).	Senior Manager with responsibility for this area
Building Lines To approve development within prescribed building lines, subject to suitable undertakings being obtained from the developer.	Senior Manager with responsibility for this area
Footpaths To make orders and grant extensions of time under sections 134 and 135 of the Highways Act 1980 (disturbing the surface of footpaths).	Senior Manager with responsibility for this area
List of Streets To maintain and update, by the addition or adopted or previously unlisted public highways, the List of Streets under Section 36 of the Highways Act 1980.	Senior Manager with responsibility for this area
Entry on Land –Highways To approve the entry on land of employees, contractors or agents of the Council pursuant to the Council's functions relating to highways and adjacent land under the Highways Act 1980, and the Environmental Protection Act 1990 or any other relevant legislation.	Senior Manager with responsibility for this area
Powers of entry To exercise the powers of entry set out in Sections 196A, 196B, 196C, 214B, 214C, 214D, 324 and 325 of the Town and Country Planning Act 1990 (as amended) and Sections 88, 88A and 88B of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) and section 74 of the Anti Social Behaviour Act 2003 and Regulation 12 of the Hedgerow Regulations 1997 and to authorise all other officers whose duties require such powers.	Assistant Director for Inclusive and Green Growth
Enforcement of Regulatory Powers and Duties In consultation with the Chief Legal & Monitoring Officer, to approve the taking of any enforcement action in relation to any Act, Statutory Instrument, contractual or regulatory provision for which the Corporate Director is responsible on behalf of the Council, including the recovery of costs, carrying out of interviews under formal caution, the service and placing of notices under any Act, statutory instrument or regulatory provision including the service of notice upon third parties requiring information, the issue of any civil penalty, the exercise of powers of entry onto land by employees contractors or agents, the surveying of land	All Assistant Directors for the Directorate and Senior Manager with responsibility for this area

Delegated Matter	Officer Level
<p>pursuant to any Act, statutory instrument, contractual or regulatory provision, and instruction to the Monitoring Officer to commence, defend, settle or involve the Council in any potential or actual civil or criminal proceedings arising within their respective areas of responsibility</p>	
<p>Windermere Ferry To carry out the functions of the Council delegated to the Corporate Director in respect of the Windermere Ferry.</p>	<p>Senior Manager with responsibility for this area</p>
<p>Windermere Lake Administration To carry out the following functions of the Council relating to Windermere Lake subject to delegation by the Lake Administration Committee:</p> <ul style="list-style-type: none"> (a) To allocate existing moorings on the bed of Lake Windermere. (b) To grant or renew pleasure boat and boatmen's licences. (c) To decide on the appropriate category of encroachment in the event of a change of ownership and to prepare all necessary encroachment agreements. (d) To settle suitable charges with prospective users of holiday moorings for longer period lettings on Windermere (e) To authorise the Lake Wardens or any other appropriate officer to be duly authorised officers of the Council under the Lake Windermere Byelaws 1986, or any statutory modification thereof. (f) In consultation with the Chairman and Vice-Chairman of the Committee, to approve an extension of a jetty, by not more than 3.0 metres, on an otherwise straightforward "like for like" replacement; and report such approvals to the next meeting of the Committee. (g) To make minor amendments to Lake fees and charges during the year, as required, in consultation with the Chairman and Vice-Chairman of the Committee. (h) To determine all encroachment, mooring and dredging applications which are not retrospective and within the Council's existing policy, those decisions to be reported to next meeting of the Committee (i) To review (in conjunction with the Chief Legal and Monitoring Officer and Director of Resources all encroachment applications and to consider them against the Council's Policy to determine which applications can 	<p>Senior Manager with responsibility for this area</p>

Delegated Matter	Officer Level
<p>be taken to Lake Administration Committee for consideration and in cases considered not to meet the policy requirements to reject them. Where applicants seek to replace an encroachment on a like for like basis and where there may be a dispute with the calculation of the encroachment fees, a report will be brought forward to the Lake Administration Committee for consideration. A like for like basis is deemed to be an encroachment which replaces an existing encroachment, therefore one encroachment remains following completion of the new jetty or structure. Applicants will be allowed to increase the length of the jetty/ structure but the old encroachment must fall within the footprint of the new encroachment.</p> <p>(j) To determine and agree the length of encroachment lease terms of between 10 and 25 years, based upon the professional advice of the Council's Assistant Director Corporate Assets, Fleet and Capital Programme and the Chief Legal and Monitoring Officer and those decisions to be reported to the earliest possible meeting of the Committee.</p>	
<p>Parking To exercise the Director's functions in relation to parking management and parking enforcement including exercising any and all the statutory powers and duties (including powers of entry and the issue of any civil penalty) contained in the Traffic Management Act 2004, Sections 66 to 82 of the Road Traffic Act 1991 (as amended), and any Regulations, Orders, Byelaws or other instruments made thereunder.</p> <p>To exercise the functions of the Council under any Regulations Orders Byelaws or other instruments from time to time made in relation to On and Off Street Parking within the Council's area including enforcement and service of the requisite notices.</p>	<p>Senior Manager with responsibility for this area Parking Manager Parking Appeals Team Leader</p>
<p>Parking Appeals To hear and determine appeals in relation to disabled parking and other road traffic matters which are the responsibility of the Director.</p>	<p>Senior Manager with responsibility for this area</p>
<p>Flood and Development management To exercise the Director's functions in relation to flood & Water Management; including responding as a statutory consultee to any planning application</p>	<p>Senior Manager with responsibility for this area</p>

Delegated Matter	Officer Level
<p>To exercise the Council's powers and duties including authorising officers under the following legislation (including the execution of works in default of compliance with statutory notices)</p> <p>Environmental Protection Act 1990 – Part 2 (Waste) including Section 33, 33ZA (Depositing of Waste on Land), 46 to 46D (Receptacles) and Part IV (Litter etc.)</p>	<p>Senior Manager with responsibility for this area</p>

7. Director of Thriving Communities

Authorised by	Steph Cordon Director of Thriving Communities
Date last updated	

Delegated Matter – appointment of Deputy	Officer
To exercise the functions of the Director of Thriving Communities in the absence of, incapacity of or vacancy in the post.	Assistant Directors – Community Infrastructure, Housing and Safe and Strong Communities; Director of Public Health

The following functions and powers are reserved to the Director of Thriving Communities (or in their absence the relevant Assistant Director)	Assistant Director
None requested.	

Delegated Matter	Officer Level
<p>Licensing Functions in respect of all licensing matters, but only to the extent that they are functions of the Cabinet and not the Council under the Constitution and thereby reserved to the Licensing Committee and the Regulatory Committee or otherwise delegated by Licensing Committee or Licensing Regulatory Committee to officers.</p>	Director of Public Health; Senior Manager with responsibility for this area
<p>Scrap Metal Powers and responsibilities pursuant to the Scrap Metal Dealers Act 2013 as follows:</p> <ul style="list-style-type: none"> i. power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collectors' Licences (where no objection is made); 	Director of Public Health; Senior Manager with responsibility for this area

Delegated Matter	Officer Level
<ul style="list-style-type: none"> ii. power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collector's Licences (where an objection is made); iii. power to otherwise refuse or revoke Site Licences and Collectors' Licences; iv. power to institute, defend or participate in any action or legal proceedings in respect of any matter relating to the 2013 Act (including but not limited to the service of any notice or order, the exercise of any power of entry or inspection; the commencement of a prosecution for any offence under the 2013 Act or the defence of any appeal against a decision of the Council made under the 2013 Act) in any case where the Chief Legal Officer considers that such action is necessary to protect or progress the Council's interests. 	
<p>Environmental Health</p> <p>The provision of environmental and public health services to and the protection of the health, safety and environment of the residents of Westmorland and Furness other than those which are designated as Council functions under the Constitution and reserved to the Licensing Committee or the Regulatory Panel</p>	<p>Director of Public Health and Senior Manager with responsibility for this area</p>
<p>Environmental Health – ASB general</p> <p>To deal with all the Council's powers and duties including authorising officers under the following legislation (including the execution of works in default of compliance with statutory notices):</p> <ul style="list-style-type: none"> i. Environment Act 1995 – Section 108 in respect of Part 2 of the Environmental Protection Act 1990 ii. Clean Neighbourhoods and Environment Act 2005 – Part 2 (Vehicles); Part 3 (Litter and Refuse) and Part 4 (Graffiti and other Defacement) iii. Environmental Protection Act 1990 – Section 33, 33ZA (Depositing of Waste on Land), 46 to 46D (Receptacles); Part IV (Litter etc.) and Part 5 (Waste) iv. Dog Control Orders (Prescribed Offences and Penalties etc.) Regulations 2006 v. Anti-Social Behaviour, Crime & Policing Act 2014 – Part 4 (Community Protection) and 	<p>Director of Public Health; Assistant Director Safe and Strong Communities; Senior Manager with responsibility for this area;</p>

Delegated Matter	Officer Level
<p>Sections 63, 68 (Public Space Protection Orders)</p> <p>vi. Microchipping of Dogs (England) Regulations 2015</p> <p>vii. Anti-Social Behaviour Act 2003 – Part 6 (The Environment)</p> <p>viii. Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018</p>	
<p>Graffiti and Fly Posting</p> <p>To exercise the Council's functions and powers relating to penalty notices for graffiti and fly posting and the removal of graffiti set out in sections 43 to 52 Antisocial Behaviour Act 2003</p>	<p>Senior Manager with responsibility for this area</p>
<p>Anti-Social Behaviour To exercise the Council's functions and powers (in consultation with Legal Services) relating to the issue of orders, warnings and notices under the Antisocial Behaviour Crime and Policing Act 2014</p>	<p>Senior Manager with responsibility for this area</p>
<p>Environmental Health Legislation</p> <p>All functions where the Council has a statutory responsibility or duty or power under public health, environmental or related legislation of whatever nature, including authorising officers under the following legislation (including the execution of works in default of compliance with statutory notices), other than those functions reserved to the Council or some other body under the Constitution. Without prejudice to the generality of the foregoing authorisation, this includes the following legislation and any Regulations Orders or Byelaws made thereunder:</p> <p>a) The provision and maintenance of public conveniences.</p> <p>b) Pest Control.</p> <p>c) Ensuring the safety and wholesomeness of food and drink intended for human consumption, including the inspection of meat and other food; the inspection, and control of premises and/or stalls used for the storage and sale of food; and the control of food safety and hygiene for which the Council has responsibility.</p> <p>d) The promotion and development of recycling facilities including where appropriate joint schemes with the voluntary organisations or private sector.</p> <p>e) The cleansing of verminous persons and premises including powers and regulations made under the Public Health (Control of Disease) Act 1984.</p> <p>f) The cleaning of highways and footways.</p>	<p>Director of Public Health and Senior Manager with responsibility for this area</p>

Delegated Matter	Officer Level
<p>g) The prevention and control of the spread of infectious disease.</p> <p>h) To take all action within the Council's authority to ensure animal welfare.</p> <p>i) Securing the cleaning, repair and maintenance of drains and private sewers and cesspools, and the inspection and control of drainage systems to premises.</p> <p>j) The maintenance of a private water supply.</p> <p>k) Contaminated land.</p> <p>l) Control of pollution and management of air quality.</p> <p>m) Control of caravan sites in accordance with the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968, and the Mobile Homes Acts 1983 and 2013.</p> <p>n) Statutory nuisance.</p> <p>o) To deal with all the Council's powers and duties under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default of compliance with statutory notices):</p> <ul style="list-style-type: none"> i. Section 17, 34, 37 and 74 of the Public Health Act 1961; ii. Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936; iii. Public Health (Control of Disease) Act 1984 iv. Section 15 of the Clean Air Act 1993 - chimney height approvals in consultation with the Chief Building Control Officer; v. Section 4 of the Prevention of Damage by Pests Act 1949; vi. The Food Safety Act 1990; vii. Control of Pollution Act 1974 - Sections 60, 61, 66, 69 and 93 and the Control of Pollution (Amendment) Act 1989 (as amended); viii. Local Government (Miscellaneous Provisions) Acts 1976 and 1982; ix. Refuse Disposal (Amenity) Act 1978 - Sections 3 and 6; x. Building Act 1984 - Sections 59, 64, 72, 76 and 84; xi. Section 77 of the Criminal Justice and Public Order Act 1994; xii. The Environmental Protection Act 1990 (as amended) including: <ul style="list-style-type: none"> a) Sections 13 and 14 - Service of Enforcement and Prohibition Notices. b) Section 59 and 59A - Service of Notice to remove Controlled Waste. c) Section 79 and 80 – Abatement Notices d) Section 149 - Officer responsible for dealing with stray dogs. 	

Delegated Matter	Officer Level
<p>xiii. Clean Neighbourhoods and Environment Act 2005</p> <p>xiv. Pollution Prevention and Control Act 1999 and any Regulations Orders or Byelaws made thereunder</p> <p>xv. Refuse Disposal Amenity Act 1978 and any Regulations Orders or Byelaws made thereunder</p> <p>xvi. Dangerous Dogs Act 1991.</p> <p>xvii. Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</p> <p>xviii. Dangerous Wild Animals Act 1976</p> <p>xix. Zoo Licensing Act 1981</p> <p>xx. Water Industry Act 1991.</p> <p>xxi. Cumbria Act 1982</p> <p>xxii. Sunday Trading Act 1994.</p> <p>xxiii. The Noise Act 1996 (as amended by Section 42 of the Anti-Social Behaviour Act 2003).</p> <p>xxiv. Sections 43 to 52 of the Anti-Social Behaviour Act 2003.</p> <p>xxv. Caravan Sites and Development Act 1960</p> <p>xxvi. Caravan Sites Act 1968</p> <p>xxvii. Mobile Homes Act 2013</p> <p>xxviii. To authorise persons to enter premises under any enactment or power for which the Director of Public Health is responsible.</p> <p>xxix. Following consultation with the Chief Legal Officer, to institute proceedings under any of enactment or power for which the Director is responsible.</p> <p>xxx. European Union Regulations 178/2002; 852/2004; 853/2004; 854/2004 and 882/2004</p> <p>xxxi. The Food Hygiene (England) Regulations 2013</p> <p>xxxii. The Official Feed and Food Controls (England) Regulations 2006, and declarations made thereunder.</p> <p>xxxiii. Any Orders or Regulations made under or relating to the Food Safety Act 1990, as amended or having effect by virtue of the European Communities Act 1972.</p> <p>xxxiv. Sunbeds (Regulation) Act 2010</p> <p>xxxv. The Health Protection (Local Authority Powers) Regulations 2010</p> <p>xxxvi. The Anti-social Behaviour, Crime and Policing Act 2014 including:</p> <ul style="list-style-type: none"> a) Community Protection Notices, sections 43 to 58 (for the avoidance of doubt this includes the power to authorise employees of the Council and to designate a person pursuant to section 53(1)(c) of the Act. (This includes the power to institute legal proceedings, in consultation with the Chief 	

Delegated Matter	Officer Level
<p>Legal & Monitoring Officer, for non-compliance with such Notices).</p> <p>b) Closure Notices, sections 76 to 93.</p> <p>xxxvii. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020</p> <p>xxxviii. Business and Planning Act 2020</p> <p>xxxix. Clean Air Acts 1993</p> <p>xl. Criminal Procedures and Investigation Act 1996</p> <p>xli. Coronavirus Act 2020 and any Regulations Orders or Byelaws made thereunder</p> <p>xl.ii. The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018</p> <p>xl.iii. Investigatory Powers Act 2016</p> <p>xl. iv. Regulation of Investigatory Powers Act 2000 -</p> <p>xl. v. Criminal Justice and Public Order Act 1994</p> <p>xl. vi. Town and Police Clauses Act 1847</p> <p>xl. vii. Removal and Disposal of Vehicles Regulations 1986</p> <p>xl. viii. Road Traffic Regulation Act 1984</p> <p>xl. ix. Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005</p> <p>l. The Waste Enforcement (England and Wales) Regulations 2018</p> <p>li. Town and Country Planning Act 1990</p> <p>lii. Hedgerow Regulations 1997</p> <p>liii. The Private Water Supplies Regulations 2016</p> <p>liv. Unauthorised deposit of waste (fixed penalties) Regulations 2016</p> <p>lv. Police and Criminal Evidence Act 1984</p> <p>lvi. Environment Act 1995 and any Regulations Orders or Byelaws made thereunder.</p> <p>lvii. Health Protection (Notification) Regulations 2010, Regulations 2 (Duty to notify suspected disease, infection of contamination in patients) and 3 (Duty to notify suspected disease, infection or contamination in dead bodies).</p> <p>lviii. Public Health (Ships) (Amendment) (England) Regulations 2007</p> <p>lix. Animal Welfare Act 2006</p> <p>lx. Health & Safety at Work Act 1974 and associated Regulations</p> <p>lxi. The Trade in Animals and Related Products Regulations 2001</p> <p>lxii. Animal By-product (Enforcement) (England) Regulations 2013</p>	

Delegated Matter	Officer Level
<p data-bbox="300 271 935 371">Ixiii. Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 (as amended)</p> <p data-bbox="204 394 376 427">Smoke Free</p> <p data-bbox="204 454 975 846">Functions relating to smoke free premises, places and vehicles for which the Regulatory Committee is responsible, without prejudice to the generality of the foregoing, the power to enforce offences relating to the display of no smoking signs; offences relating to smoking in smoke free places; offence of failing to prevent smoking in smoke free places; and, power to transfer enforcement functions to another enforcement authority all such functions being pursuant to the Health Act 2006, and the Smoke-free (premises and enforcement) Regulations 2006 and any other ancillary Regulations.</p>	
<p data-bbox="204 954 847 987">Public And Private Sector Housing Standards</p> <p data-bbox="204 992 963 1155">a) To administer the Council's statutory functions in relation to the enforcement of all public health, housing and other legislation relating to securing proper standards and conditions in private and public sector housing.</p> <p data-bbox="204 1160 951 1290">b) To serve any statutory and other notices; make any Order; instigate any prosecutions and take whatever other steps are necessary in connection with the functions mentioned in (a).</p> <p data-bbox="204 1294 975 1727">c)</p> <ul style="list-style-type: none"> <li data-bbox="268 1328 900 1424">(i) To approve and make payment of individual Private Sector Renovation Grants, Disabled Facilities Grants and Home Repair Grants. <li data-bbox="268 1429 975 1727">(ii) To exercise (in consultation with the relevant Portfolio Holder) the powers available to the Council under the Housing Grants, Construction and Regeneration Act 1996, the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and any other relevant powers available to the authority to reclaim any money paid in respect of Disabled Facilities Grant. <p data-bbox="204 1731 967 1794">d) To approve reinstatement grants in respect of work to Airey type houses.</p> <p data-bbox="204 1798 943 1861">e) To grant requests for extension of the time limits for improvement grants.</p> <p data-bbox="204 1865 871 1928">f) Taking all steps to ensure the fulfilment of the Council's statutory duties as housing authority.</p> <p data-bbox="204 1933 951 2029">g) Authorising expenditure on the use and allocation of all financial resources relating to housing functions within approved budget provision.</p>	<p data-bbox="1002 954 1350 1055">Assistant Director Housing and Senior Manager with responsibility for this area</p>

Delegated Matter	Officer Level
<p>h) The control of caravan sites including powers under the Caravan Sites Act 1968, the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983.</p> <p>i) The cleansing of verminous persons and premises including powers under the Public Health (Control of Disease) Act 1984.</p> <p>j) The prevention and control of the spread of infectious disease.</p> <p>k) Statutory Nuisance.</p> <p>l) To deal with the Council's powers and duties under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default in compliance with statutory notices):</p> <ol style="list-style-type: none"> 1. Sections 17, 34 and 74 of the Public Health Act 1961. 2. Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936. 3. Section 4 of the Prevention of Damage by Pests Act 1949. 4. Local Government (Miscellaneous Provisions Acts 1976 and 1982. 5. Sections 59, 64, 72, 76 and 84 of the Building Act 1984. 6. Section 77 of the Criminal Justice and Public Order Act 1994. 7. The Environmental Protection Act 1990 (as amended) including: <ol style="list-style-type: none"> (i) Sections 13 and 14 – service of Enforcement and Prohibition Notices. (ii) Sections 59 and 59a – service of Notice to remove controlled waste. 8. Sections 43 to 52 of the Anti Social Behaviour Act 2003. 9. The Housing Acts 1985 and 2004 and the Local Government and Housing Act 1989. 10. Clean Neighbourhoods and Environment Act 2005. 11. Control of Pollution Act 1974 12. Environment Act 1995 and any Regulations Orders or Byelaws made thereunder. 13. Health & Safety at Work Act 1974. 14. Noise and Statutory Nuisances Act 1993. 15. Police and Criminal Evidence Act 1984 16. Anti-social Behaviour, Crime and Policing Act 2014 including: <ol style="list-style-type: none"> (i) Community Protection Notices, sections 43 to 58; 17. The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.)(England) Order 2014 18. Criminal Procedures and Investigation Act 1996 	

Delegated Matter	Officer Level
<p>19. Energy Act 2011 20. Energy Act 2013 21. Enterprise and Regulatory Reform Act 2013 22. Equality Act 2010 23. Home Energy Conservation Act 1995 24. Housing Act 1996 25. Housing and Planning Act 2016 26. Protection from Eviction Act 1977 27. Regulation of Investigatory Powers Act 2000 28. Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 29. Town and Country Planning Act 1990 (section 215 only) 30. Water Industry Act 1991 and any Regulations Orders or Byelaws made thereunder</p> <p>31. To authorise persons to enter premises under any enactment or power for which the Director of Public Health is responsible.</p>	
<p>Housing The preparation of plans, strategies, policies and budgets in respect of the Council's strategic housing functions for consideration by the Cabinet and approval by the Council and monitoring the subsequent implementation of those policies</p>	Assistant Director Housing
<p>Hostels and Homelessness</p> <p>a) In respect of hostel and associated accommodation:</p> <ul style="list-style-type: none"> (i) Collecting rents, service charges and other monies due to the Council (ii) Enforcing tenancy conditions and preventing illegal occupation (iii) Authorising the service of any statutory, legal or other notice and any other statutory or legal action in connection with the same (iv) Authorising proceedings for possession and for the eviction of any persons. <p>b) Making all necessary determinations and taking any other action which is required to be taken by the Council in order to fulfil its duties and responsibilities relating to homelessness under Part VII of the Housing Act 1996 and any other relevant legislation.</p> <p>c) Authorising any action to be taken to enforce legislation relating to the protection of tenants from unlawful eviction or harassment by private landlords.</p>	Senior Manager with responsibility for this area

Delegated Matter	Officer Level
<p>d) In respect of hostel and associated accommodation, accepting rent guarantees from Social Services and direct payment of rent from the Department of Work and Pensions.</p> <p>e) Increasing rents at hostels automatically when Department of Work and Pensions allowances are increased.</p> <p>f) Dealing with matters relating to the management and letting of the Council's hostel and associated accommodation including granting tenancies and licences for its use.</p> <p>g) Exercising any nomination rights which the Council may have in connection with Housing Association or similar properties.</p>	
<p>Housing Stock Management of all housing stock within the HRA to be exercised in accordance with all relevant legislation and the Council's agreed policy.</p>	Assistant Director Housing and Senior Manager with responsibility for this area
<p>Conservation Grants To approve within budget provision those conservation grant applications and amendments other than any which fall within the Planning Function</p>	Assistant Director Community Infrastructure
<p>Historic Building Grants To approve within budget provision Local Government (Historic Buildings) Act 1962 grant applications and amendments other than any which fall within the Planning Function.</p>	Assistant Director Community Infrastructure
<p>Safety of Sports Grounds</p> <p>To be the Council's representative and to take decisions on behalf of the Council under the Safety of Sports Grounds Act 1975, other than in respect of those matters which are reserved to the Licensing & Regulatory Committees under the Constitution.</p>	Director of Public Health; Senior Manager with responsibility for this area;
<p>High Hedges To exercise the Council's functions and powers relating to high hedges set out in Part 8 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof other than any which fall within the Planning Function</p>	Senior Manager with responsibility for this area

Delegated Matter	Officer Level
<p>Common Land</p> <p>To sign all Notices of Application to amend the register of commons.</p> <p>To determine the following applications to amend the registers of common land or town or village greens when no objection has been received save where those matters are reserved to the Strategic Planning or Local Area planning or other committee:</p> <ul style="list-style-type: none"> i. Declarations of entitlement to exercise a right in common ii. Apportionment of a right of common iii. Attachment of a right in common iv. Re-allocation of attached rights v. Transfer of a right in gross vi. Creation of a right of common over existing common land vii. Variation of a right of common where the amendment would not result in the registration of the new common land viii. Surrender and extinguishment of a right of common ix. Voluntary registration of a new town or village green by the owner x. Severance authorised by order xi. Historic severance of a right of common xii. Historic creation of a right of common over existing common land xiii. Historic transfer of a right in gross xiv. Historic apportionment of a right of common xv. Historic variation of a right of common where the amendment would not result in the registration of the new common land. xvi. Historic surrender or extinguishment of a right of common xvii. Correction for a purpose described in section 19(2)(b)(c)(d) or (e) of the Commons Act 2006 xviii. Correction for a purpose described in section 19(2)(a) of the Commons Act 2006 where the amendment would not affect the extent of any land registered as common land or as a town or village green. 	<p>Assistant Director for Community Infrastructure, Senior Manager with responsibility for this area</p> <p>Manager Development Control and Sustainable Development</p> <p>Lead Officer Historic Environment</p> <p>Commons Registration Officer</p>
<p>Learning and skills</p>	<p>Assistant Director of Safer and Strong Communities and Senior Manager</p>
<p>Assets of Community Value</p>	<p>Assistant Director Safe and Strong Communities;</p>

Delegated Matter	Officer Level
To exercise the Council's functions and powers relating to assets of community value as set out in the Localism Act 2011	Assistant Director Community Infrastructure
<p>Community Protection Notices To exercise the Council's powers in connection with Community Protection Notices pursuant to sections 42 to 58 Antisocial Behaviour Act 2003 thereof other than any which fall within the Planning Function.</p>	Senior Manager with responsibility for this area
<p>Enforcement of Regulatory Powers and Duties In consultation with the Chief Legal & Monitoring Officer, to approve the taking of any enforcement action in relation to any Act, Statutory Instrument, contractual or regulatory provision for which the Corporate Director is responsible on behalf of the Council, including the recovery of costs, carrying out of interviews under formal caution, the service and placing of notices under any Act, statutory instrument or regulatory provision including the service of notice upon third parties requiring information, the issue of any civil penalty, the exercise of powers of entry onto land by employees contractors or agents, the surveying of land pursuant to any Act, statutory instrument, contractual or regulatory provision, and instruction to the Monitoring Officer to commence, defend, settle or involve the Council in any potential or actual civil or criminal proceedings arising within their respective areas of responsibility</p>	All Assistant Directors Within the Directorate
<p>Registrars: To provide the functions, facilities and arrangements for providing citizenship ceremonies, and the registrar to conduct them, under Section 3 and Schedule 1 of the Nationality, Immigration and Asylum Act 2002; and</p>	Superintendent Registrar
To exercise the council's functions under the Registration Service Act 1953 regarding the registration of births, deaths and marriages.	Superintendent Registrar
<p>Weights and Measures Act 1985, Section 75 To act as the Council's appointed chief inspectors of weights and measures</p>	Director of Public Health and Senior Manager with responsibility for this area

Delegated Matter	Officer Level
<p>Trading Standards</p> <p>To exercise all functions in relation to Trading Standards including authorising officers to fulfil all such functions under all the relevant legislation including that outlined at Appendix 1 to this Local Scheme</p> <p>Trading Standards prosecutions and enforcement</p> <p>To review Trading Standards Investigation reports to be considered for prosecution or other enforcement, to consider evidence, apply relevant tests and make a recommendation</p>	<p>Director of Public Health and Senior Manager with responsibility for this area</p> <p>Director Public Health following consultation with Head of Trading Standards (Cumberland Council)</p>
<p>Health and Safety</p> <p>To deal with all functions relating to health and safety under any statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as employer.</p>	<p>Director of Public Health and Senior Manager with responsibility for this area</p>
<p>To issue consents and/or permission notices to event organisers for events being held on Local Authority owned land</p>	<p>Assistant Director of Community Infrastructure</p>
<p>To discharge all functions relating to Libraries and archives</p>	<p>Assistant Director of Community Infrastructure</p>

Section A

- Accommodation Agencies Act 1953
- Administration of Justice Act 1970
- Administration of Justice Act 1985
- Agriculture Act 1970
- Agricultural Produce (Grading and Marking) Acts 1928 & 1931
- Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020
- Anti-Social Behaviour Act 2003
- Biofuel (Labelling) Regulations 2004
- Building Regulations 2010
- Business Protection from Misleading Marketing Regulations 2008
- Cancer Act 1939
- Care Act 2014
- Cat and Dog Fur (Control of Import etc) Regulations 2008
- Chapter 32 Police crime sentencing & Courts act 2022
- Children & Young Persons Act 1933
- Children & Young Persons (Protection from Tobacco) Act 1991
- Children & Families Act 2014
- Clean Air Act 1993
- Companies Act 2006
- Construction Products Regulations 1991 & 2011
- Consumers, Estate Agents and Redress Act 2007
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Credit Act 1974
- Consumer Protection Act 1987
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights Act 2015
- Consumer Rights (Payment Surcharges) Regulations 2012
- Copyright Designs and Patents Act 1988
- Copyright, etc and Trade Marks (Offences & Enforcement) Act 2002
- Cosmetic Products Enforcement Regulations 2013
- Courts and Legal Services Act 1990
- Criminal Attempts Act 1981
- Criminal Damage Act 1971
- Criminal Justice Act 1988 (s141A)
- Criminal Justice & Police Act 2001
- Criminal Law Act 1977
- The Criminal Procedure (Amendment) Rules 2022
- The Criminal Procedures (Amendment No2) Rules 2022
- The Police Crime, Sentencing & Courts Act 2022
- The UK Internal Market Act 2020 (Exclusion from market access principles: single use plastics Regs 2022)
- Crossbows Act 1987
- Crystal Glass (Descriptions) Regulations 1973
- Customs & Excise Management Act 1979
- Detergents Regulations 2010
- Development of Tourism Act 1969
- Ecodesign for Energy-Using Products Regulations 2007

- Education Reform Act 1988
- Electromagnetic Compatibility Regulations 2006
- Electronic Commerce (EC Directive) Regulations 2002
- Energy Act 1976
- Energy Conservation Act 1981
- Energy Information Regulations 2011
- Energy Performance of Buildings Certificates (Certificates and Inspections)(England and Wales) Regulations 2007
- Energy Performance of Buildings (England & Wales) Regulations 2012
- Enterprise Act 2002
- Environment Act 2021
- Environmental Protection Act 1990
- Estate Agents Act 1979
- European Communities Act 1972 (S2)
- Fair Trading Act 1973
- Farm & Garden Chemical Act 1967
- Financial Services (Distance Marketing) Regulations 2004
- Fire Safety & Safety of Places of Sport Act 1987
- Fireworks Act 2003
- Fluorinated Greenhouse Gases Regulations 2009
- Food & Environment Protection Act 1985
- Food Safety Act 1990
- Footwear (Indication of Composition) Labelling Regulations 1995
- Forgery & Counterfeiting Act 1981
- Fraud Act 2006
- General Product Safety Regulations 2005
- Hallmarking Act 1973
- Health Act 2006
- Health & Safety at Work Act 1974
- Housing Act 2004
- Insurance Brokers (Registration) Act 1977
- Insurance Companies Act 1981
- Intellectual Property Act 2014
- Intoxicating Substances (Supply) Act 1985
- Knives Act 1997
- Leasehold Reform (Ground Rent) Act 2022
- Legal Services Act 2007
- Licensing Act 2003
- Local Government Act 1972
- Medicines Act 1968
- Mental Health Act 1983
- Merchant Shipping Act 1995
- Money Laundering Regulations 2007
- Motor Cycle Noise Act 1987
- Offensive Weapons Act 2019
- Olympic Symbol etc (Protection) Act 1995
- Packaging (Essential Requirements) Regulations 2015
- Package Travel and linked travel arrangements Regulations 2018
- Patents Act 1977
- Plant Protection Products Regulations 2011
- Plant Protection Products (Sustainable Use) Regulations 2012

- The Animal, Food, Plant Health, Plant Propagation Materials & Seeds (Misc amendment) Regs 2022
- Poisons Act 1972
- Pressure Equipment Regulations 2016
- Prices Acts 1974 & 1975
- Proceeds of Crime Act 2002
- Producer Responsibility Obligations (Packaging Waste) Regulations 2007
- Protection of Freedom Act 2012
- Protection from Harassment Act 1997
- Provision of Services Regulations 2009
- Psychoactive Substances Act 2016
- Radio Equipment Regulations 2017
- Registered Designs Act 1949
- Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010
- Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Amendment 2012 & 2015
- The Regulatory Enforcement and Sanctions Act 2008(Amendment to (Schedule 3) (England) Order 2021
- Road Traffic Act 1988 (S17, 18 & 75)
- Road Traffic Act 1991 (S16)
- Road Traffic (Foreign Vehicles) Act 1972
- Road Traffic Offenders Act 1988
- Road Traffic Regulation Act 1984
- Safety of Sports Grounds Act 1975
- Scotch Whisky Act 1988
- Single Use Carrier Bags Charges (England) Order 2015
- Simple Pressure Vessels (Safety) Regulations 1991
- Supply of Machinery (Safety) Regulations 2008
- Sunday Trading Act 1994
- Telecommunications Act 1984
- Tenant Fees Act 2019
- Textile Products (Labelling and Fibre Composition) Regulations 2012
- Theft Act 1968
- Tobacco Advertising and Promotion Act 2002
- The Tobacco Advertising and Promotion (Display) (England) Regulations 2010
- Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010
- Tobacco Related Products regulations 2016
- Theft Acts 1968 & 1978
- Timeshare Holiday Products Resale & Exchange Contracts Regulations 2010
- Town and Country Planning (Control of Advertisements) Regulations 1992
- Trade Descriptions Act 1968
- Trade Marks Act 1994
- Unsolicited Goods and Services Act 1971
- Unsolicited Goods and Services (Amendment) Act 1975
- Vehicles (Crime) Act 2001
- Video Recordings Act 1984 & 2010
- Violent Crime Reduction Act 2006

and any other relevant consumer protection statute.

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

- Biofuel Labelling Regulations 2004
- Business Protection from Misleading Marketing Regulations 2008
- Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008
- Construction Products Regulations 2013
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights (Payment Surcharges) Regulations 2012
- Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Products Regulation 1223/2009
- Crystal Glass (Descriptions) Regulations 1973
- Detergents Regulations 2010
- EC Fertilisers (England and Wales) Regulations 2006
- Electrical Equipment (Safety) Regulations 2016
- Electromagnetic Compatibility Regulations 2016
- Energy Information Regulations 2011
- Energy Performance of Buildings (England and Wales) Regulations 2012
- Financial Services (Distance Marketing) Regulations 2004
- Fluorinated Greenhouse Gases Regulations 2015
- Footwear (Indication of Composition) Labelling Regulations 1995
- Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
- General Product Safety Regulations 2005
- Package Travel and Linked Travel Arrangements Regulations 2018
- Packaging (Essential Requirements) Regulations 2015
- Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
- Personal Protective Equipment (Enforcement) Regulations 2018
- Pressure Equipment (Safety) Regulations 2016
- Pyrotechnic Articles (Safety) Regulations 2015
- Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018
- Radio Equipment Regulations 2017
- REACH Enforcement Regulations 2008
- Recreational Craft Regulations 2017
- Registration of Establishments (Laying Hens)(England) Regulations 2003
- Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
- Simple Pressure Vessels (Safety) Regulations 2016
- Supply of Machinery (Safety) Regulations 2008
- Textile Products (Labelling and Fibre Composition) Regulations 2012
- Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
- Tobacco and Related Products Regulations 2016
- Toys (Safety) Regulations 2011
- Trade in Animals and Related Products Regulations 2011

- Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

Section B

Food Safety Act 1990; and any Orders, or Regulation or other Instruments: made thereunder, or relating thereto,

The following Regulations, as amended, and Regulations or Orders or other Instruments made thereunder:

- Food Information Regulations 2014
- The Food information (Amendment & transitional provisions)(England) Regs 2022
- Food Safety and Hygiene (England) Regulations 2013
- Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007
- Bread & Flour Regulations 1998
- Caloric labelling (out of home sector)(England)Regulations 2021
- Caseins & Caseinates Regulations 1985
- Cocoa & Chocolate Products (England) Regulations 2003
- Coffee Extracts and Chicory Extracts (England) Regulations 2000
- Drinking Milk (England) Regulations 2008
- Eggs & Chicks (England) Regulations 2009
- Extraction Solvents in Food Regulations 1993
- Fish Labelling Regulations 2013
- Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013
- Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (England) Regulations 2009
- Food Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997
- Food Irradiation (England) Regulations 2009
- Food (Lot marking) Regulations 1996
- Food Supplements (England) regulations 2003
- Foodstuffs suitable for people intolerant to Gluten (England) Regulations 2010
- Fruit Juices & Fruit Nectars (England) Regulations 2013
- The Genetically Modified Food (England) Regulations 2004
- Honey (England) Regulations 2015
- Jam and Similar Products (England) Regulations 2003
- Kava Kava in Food (England) Regulations 2002
- Medical Food (England) Regulations 2000
- Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007
- Notification of Marketing of Food for Particular Nutritional Uses (England) Regulations 2007
- Novel Foods and Novel Food Ingredients Regulations 1997
- Nutrition & Health Claims (England) Regulations 2007
- Pesticide (Maximum Residue Levels) (England and Wales) Regulations 2009
- Preserved Sardines (Marketing Standards) Regulations 1990
- Preserved Tuna and Bonito (Marketing Standards) Regulations 1994

- Processed Cereal Based Baby Foods and Baby Foods for Infants and Young Children (England) Regulations 2003
- Products containing meat etc (England)(Amendment) Regulations 2021
- The food (promotion and placement) (England)(Amendment) Regs 2022
- Specified Sugar Products (England) Regulations 2003
- Spreadable Fats (Marketing Standards) and Milk and Milk Products (Protection of Designations) (England) Regulations 2008
- The Eggs (England) Regulations 2021
- The Food (Promotion and Placement)(England) Regs 2021
- Tryptophan in Food (England) Regulations 2005
- Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

- Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015
- Beef and Veal Labelling Regulations 2010
- Country of Origin of Certain Meats (England) Regulations 2015
- Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016
- Food Information Regulations 2014
- Food Safety and Hygiene (England) Regulations 2013
- Genetically Modified Organisms (Traceability and Labelling)(England) Regulations 2004
- Infant Formula and Follow-on Formula (England) Regulations 2007
- Materials and Articles in Contact with Food (England) Regulations 2012
- Novel Foods (England) Regulations 2018
- Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 *in so far as it relates to food law*
- Official Feed and Food Controls (England) Regulations 2009 *in so far as it relates to food law*
- Olive Oil (Marketing Standards) Regulations 2014
- Organic Products Regulations 2009
- Poultrymeat (England) Regulations 2011
- Quick-frozen Foodstuffs (England) Regulations 2007
- Scotch Whisky Regulations 2009
- Specified Products from China (Restrictions on First Placing on the Market)(England) Regulations 2008
- Spirit Drinks Regulations 2008
- Wine Regulations 2011
- The Wine (Amendment) Regs 2021
- Food Act 1984
- Food and Environment Protection Act 1985
- Food Safety Act 1990

Section C

The following Acts or Regulations, as amended, and Regulations, Orders or other Instruments made thereunder:

- Agriculture Act 1970 (Part IV)
- Animal Feed (England) Regulations 2010
- Feed (Sampling & Analysis and Specified Undesirable Substances) (England) Regulations 2010
- Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015
- Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
- EC Fertilisers (England and Wales) Regulations 2006
- Food Safety and Hygiene (England) Regulations 2013
- Genetically Modified Organisms (Traceability & Labelling) (England) Regulations 2004
- Genetically Modified Animal Feed (England) Regulations 2004
- Trade in Animals and Related Products Regulations 2011

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

- Animal Feed (Basic Safety Standards) (England) Regulations 2019
- Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019
in so far as it relates to feed law
Official Feed and Food Controls (England) Regulations 2009 *in so far as it relates to feed law*
- The Ammonium Nitrate Materials (High Nitrogen content) Safety (Amendment) Regs 2022

Section D

The following Acts or Regulations, as amended, and Regulations, Orders or other Instruments made thereunder:

- Animal Health Act 1981
- The Animal Health, Plant Health, Seed Potatoes (Miscellaneous Amendments) Regs 2021
- Animal By-Products(Enforcement)(England) Regulations 2013
- Agriculture Act 1970
- Agriculture (Miscellaneous Provisions) Act 1968
- Animals Act 1971
- Animal Welfare Act 2006
- The Animal Welfare(Misc Amendment) Regs 2022
- Animal Gatherings Order 2010
- Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997
- Bovine Products (Restrictions on Placing on the Market) (England) (No 2) Regulations 2005
- Brucellosis (England) Order 2015
- Diseases of Animals (Approved Disinfectants) (England) Order 2007
- Disease Control (England) Order 2003

- Horse Passports Regulations 2009
- Non Commercially Movement of Pet Animals Order 2011
- Pigs (Records, Identification and Movement) Order 2011
- Protection of Animals Act 1911
- The African swine fever (Import Controls) (England & Scotland) Order 2022
- Swine Vesicular Disease Regulations 2009
- TB in animals(England) Order 2021
- The Exotic Animal Disease (Amendment) (England) Order 2022
- The Protection of Animals at the time of Killing (Amendment) (England) Regs 2022
- Transmissible Spongiform Encephalopathies (England) Regulations 2010
- Transport of Animals (Cleansing and Disinfection) (England) (No 3) Order 2003
- Welfare of Animals at Markets Order 1990
- Welfare of Animals (Transport) (England) Order 2006
- Welfare of Farmed Animals (England) Regulations 2007

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

- African Horse Sickness (England) Regulations 2012
- Animal By-Products (Enforcement)(England) Regulations 2013
- Animals and Animal Products (Examination for Residues and Maximum Residue Limits)(England and Scotland) Regulations 2015
- Avian influenza (Preventative Measures)(England) Regulations 2006
- Avian Influenza (Vaccination)(England) Regulations 2008
- Bluetongue Regulations 2008
- Business Protection from Misleading Marketing Regulations 2008
- Cattle Identification Regulations 2007
- Consumer Protection from Unfair Trading Regulations 2008
- Diseases of Swine Regulations 2014
- EC Fertilisers (England and Wales) Regulations 2006
- Eggs and Chicks (England) Regulations 2009
- Equine Identification (England) Regulations 2018
- Food Safety and Hygiene (England) Regulations 2013
- Foot-and-Mouth Disease (Control of Vaccination)(England) Regulations 2006
- Genetically Modified Organisms (Traceability and Labelling)(England) Regulations 2004
- Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019
- Official Feed and Food Controls (England) Regulations 2009
- Products of Animal Origin (Disease Control)(England) Regulations 2008
- Registration of Establishments (Laying Hens)(England) Regulations 2003
- The Cat And Dog Fur (Control Of Movements etc)(EU Exit) Regs 2022
- Trade in Animals and Related Products Regulations 2011
- Transmissible Spongiform Encephalopathies (England) Regulations 2018
- Veterinary Medicines Regulations 2013
- Welfare of Animals at Time of Killing (England) Regulations 2015
- Zoonoses (Monitoring) (England) Regulations 2007
- Food and Environmental Protection Act 1985

- Food Safety Act 1990
- Protection of Animals Act 1911
- Trade Descriptions Act 1968

Section E

The following Acts or Regulations, as amended, and Regulations, Orders or other Instruments made thereunder:

- Weights & Measures Act 1976 & 1985
- Weights & Measures (Packaged Goods) Regulations 2006
- Measuring Instruments (Automatic Catchweighers) Regulations 2006
- The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006
- Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
- Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006
- Measuring Instruments (Beltweighers) Regulations 2006
- Measuring Instruments (Capacity Serving Measures) Regulations 2006
- Measuring Instruments (Cold-water Meters) Regulations 2006
- Measuring Instruments (EEC Requirements) Regulations 1988
- Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
- Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006
- Measuring Instruments (Material Measures of Length) Regulations 2006
- Measuring Instruments (Non-Prescribed Instruments) Regulations 2006
- REACH Enforcement Regulations 2008

Additional list of qualifications for officers with qualifications in European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

- Measuring Container Bottles (EEC Requirements) Regulations 1977
- Measuring Instruments Regulations 2016
- Non-automatic Weighing Instruments Regulations 2016
- Weights & Measures (Packaged Goods) Regulations 2006

Section F

The following Regulations, as amended, and Regulations or Orders or other Instruments made thereunder:

- Non-Automatic Weighing Instruments Regulations 2000

For the purpose of initial conformity assessment only:

- Measuring Instruments (Automatic Catchweighers) Regulations 2006

- Measuring Instruments (Cold-water Meters) Regulations 2006
- Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
- Measuring Instruments (Non-prescribed Instruments) Regulations 2006

Section G

The following Acts or Regulations, as amended, and Regulations, Orders or other Instruments made thereunder:

- The Biocidal Products & Chemicals (Appointment of Authorities and Enforcement)Regulations 2013
- Botulinum Toxin and cosmetic fillers (Children) Act 2021
- The Chemicals (Hazard Information & Packaging for Supply) Regulations 2009
- Classification, Labelling & Packaging of Substances and Mixtures EC Regulations 1272/2008
- Cigarette Lighter Refill (Safety) Regulations 1999
- Construction Products Regulations 2013
- Cosmetic Products Enforcement Regulations 2013
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Electrical Equipment (Safety) Regulations 2016
- Electricity at Work Regulations 1989
- Electromagnetic Compatibility Regulations 2016
- Explosives Act 1875
- Explosives Regulation 2014
- Fireworks Act 1959?
- Fireworks (Safety) Regulations 1997
- Fireworks (Safety) (Amendment) Regulations 2004
- Fireworks Act 2003
- The Firework Regulations 2004
- Fluorinated Greenhouse Gases Regulations 2009
- Food Imitations (Safety) Regulations 1989
- Furniture and Furnishings (Fire) (Safety) Regulations 1988
- Gas Appliances (Safety) Regulations 1995
- Gambling Act 2005
- General Product Safety Regulations 2005
- Health Act 2009
- Medical Devices Regulations 2002
- Motor Vehicles (Safety Equipment for Children) Act 1991
- Motor fuel (composition and content) and the biofuel (labelling) amendment (No2) Regs 2021
- National Lottery etc. Act 1993
- National Lottery Regulations 1994
- Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015
- Packaging (Essential Requirements) Regulations 2015
- Personal Protective Equipment Regulations 2002
- Personal Protective Equipment (Enforcement) Regulations 2018
- The Product Safety and Metrology etc(Amendment) Regs 2021
- Petroleum (Consolidation) Regulations 2014

- Product Safety Amendment & Revocation Regulations 2012
- Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010
- Pyrotechnic Articles (Safety) Regulations 2015
- REACH Enforcement Regulations 2008
- Recreational Craft Regulations 2004
- Supply of Machinery (Safety) Regulations 2008
- Toy (Safety) Regulations 2011
- Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005

Section H

Health and Safety at Work etc Act 1974

I further authorise the officers under

- (i) Sections 20, 21, 22 and 25 of the 1974 Act;
- (ii) The following Regulations made under the 1974 Act:
 - The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003
 - The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013
 - The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009
 - The Dangerous Substances and Explosive Atmospheres Regulations 2002,
 - The Explosives Regulations 2014,
 - The Petroleum (Consolidation) Regulations 2014, and
- (iii) The provisions of the following Acts mentioned in Schedule 1 to the 1974 Act;
 - Explosives Act 1875
 - Public Health Acts 1936 and 1961

8. Director of Public Health

Authorised by	Colin Cox Director of Public Health
Date last updated	

Delegated Matter	Officer
Deputy Director of Public Health (to act in absence of, incapacity of or vacancy in the post of Director of Public Health)	Public Health Consultants

9. Director of Resources

Authorised by	Pam Duke Director of Resources
Date last updated	

Delegated Matter - appointment of Deputy Section 151 Officer	Officer
<p>To act as the Deputy s151 Officer (to act in absence of, incapacity of or vacancy in the post of Section 151/ Chief Finance Officer)</p> <p>a). To exercise all functions of the section 151 Officer in relation to all matters excluding Pension matters</p> <p>b) To exercise those functions of the Section 151 Officer which relate to the Cumbria Local Government Pension Fund</p>	<p>Assistant Director of Finance</p> <p>Senior Manager – Pensions and Financial Services</p>

Delegated Matter - appointment of Deputy for Director of Resources	Officer
<p>To exercise the functions of the Director of Resources in the absence of, incapacity of or vacancy in the post (excluding the statutory role of Deputy Section 151 Officer which has been separately delegated).</p>	<p>Assistant Director of Finance</p> <p>Assistant Director Corporate Assets, Fleet and Capital Programme</p> <p>Assistant Director Commissioning & Procurement</p>

Delegated Matter - appointment of Deputy Shareholder Representative	Officer
<p>To act as the Deputy Shareholders Representative for all companies where the Director of Resources acts as the Shareholder Representative in the absence of, incapacity of or vacancy in the post of Director of Resources.</p>	<p>Assistant Director of Finance</p>

<p>a). To act as the Deputy Shareholders representative in respect of Cumbria County Holdings Ltd</p> <p>b). To act as the Deputy Shareholders representative in respect of Borders to Coast Pensions Partnership (BCPP)</p>	<p>Senior Manager – Pensions & Financial Services</p>
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<p>Delegated matter - Legacy issues from the Sovereign Councils</p>	
<p>To sign off any Final Grant Claims and Statutory reports in respect of former sovereign Councils:</p> <p>a) Cumbria County Council</p> <p>b) South Lakeland District Council</p> <p>c) Eden District Council</p> <p>d) Barrow Borough Council</p>	<p>Fiona Parker</p> <p>Helen Smith</p> <p>Marianne Bastille</p> <p>Susan Roberts</p>

<p>The following functions and powers are reserved to the Director of Resources or in their absence the relevant Assistant Director)</p>	<p>Assistant Director</p>
<p>N/A</p>	

(a) Finance

Delegated Matter	Officer Level
Insurance	
To assess the insurable risks of the council and ensure the council has adequate insurance cover	Assistant Director of Finance
To enter into new insurance service arrangements subject to the satisfactory outcome of a due diligence process	Assistant Director of Finance
General Financial Matters	
The general regulation and control of the Council's financial affairs, including ensuring that appropriate risk management procedures are in place.	Assistant Director of Finance
To approve, maintain and develop financial information systems and frameworks.	Assistant Director of Finance
To ensure sound banking and payment arrangements in accordance with FPR6 of the Council's Finance Procedure Rules.	Assistant Director of Finance
To sign cheques and other instruments of payment on behalf of the Council, other than on behalf of the Administering Authority for the Pension Fund.	Assistant Director of Finance
To regulate and control the Internal Audit appraisal function of the Council & its officers as set out in FPR4 of the Councils Finance Procedure Rules.	Senior Manager responsible for Internal Audit
<p>To write off bad debts in accordance with FPR5 of the Councils Finance Procedure Rules</p> <p>a). Up to £50</p> <p>b) Debts greater than £50 for any one item</p>	<p>Assistant Director of Finance</p> <p>Chief Officers in consultation with Assistant Director of Finance & Chief Legal & Monitoring Officer</p>
To report annually to the Audit Committee any significant debts (>£50k) which have been written off for accounts purposes.	Assistant Director of Finance
To arrange the local Authority's borrowings and loan repayments (including the issue of any loan instruments) as and when required, having regard to the Prudential Code for Capital Finance in Local Authorities or to any other relevant Codes of Practice and the provisions of FPR12.	Assistant Director of Finance

Delegated Matter	Officer Level
To make safe and efficient arrangements to secure the receipt and collection of all monies paid or due to the Council.	Assistant Director of Finance
To sign any documents on behalf of the Council in respect Council Tax and National Non-Domestic Rates as the Billing Authority.	Assistant Director of Finance
To estimate any surplus or deficit on the Collection Fund and to notify the Police & Crime Commissioner, Fire Authority and DLUHC of their relevant share of any surplus or deficit.	Assistant Director of Finance
To set the Collection Fund precept/business rate retention scheme (BRRS) payment dates.	Assistant Director of Finance
To co-ordinate the preparation of estimates and budgets by Directorates to enable the Cabinet to make appropriate budget recommendations to the Council.	Assistant Director of Finance
Revenues and Benefits	
To administer the law relating to the administration, collection and recovery of Housing Benefit, Council Tax and National Non-Domestic Rate (NDR), including the award of any benefits, reliefs or discounts, and application of premiums.	Assistant Director of Finance Operational Lead People, Welfare, and Income Maximisation Principal Specialist Welfare and Income Maximisation Head of Revenues and Benefits Revenues Manager Benefits Manager
To discharge all payments on behalf of the Council subject to compliance with the relevant Financial and Contracts Procedure Rules.	Assistant Director of Finance Operational Lead People, Welfare, and Income Maximisation Principal Specialist Welfare and Income Maximisation Head of Revenues and Benefits Benefits Manager

Delegated Matter	Officer Level
<p>To initiate and (where appropriate) conduct proceedings in the appropriate Courts for the recovery of National Non-Domestic Rates, , Council Tax and any indebtedness to the Council and also to take any necessary action under Social Security Administration (Fraud) Act Regulations.</p>	<p>Assistant Director of Finance Operational Lead People, Welfare, and Income Maximisation</p> <p>Principal Specialist Welfare and Income Maximisation</p> <p>Senior Specialist - Revenues</p> <p>Head of Revenues and Benefits</p> <p>Revenues Manager</p>
<p>To make awards under the Discretionary Housing Payments Scheme where:</p> <ul style="list-style-type: none"> • There is a shortfall between the amount of Housing Benefit awarded and eligible rent or Universal Credit award; and • The claimant or a member of their family will suffer exceptional hardship if a discretionary payment is not made 	<p>Assistant Director of Finance</p> <p>Operational Lead People, Welfare, and Income Maximisation</p> <p>Principal Specialist Welfare and Income Maximisation</p> <p>Senior Specialist - Benefits</p> <p>Head of Revenues and Benefits</p> <p>Benefits Manager</p>
<p>To authorise Housing Benefits subsidy claims, Discretionary Housing Payment grant and any related submissions from the Department of Works and Pensions.</p>	<p>Assistant Director of Finance</p>
<p>To authorise (NNDR) Business Rate Retention Scheme returns and any related submissions from the Department for Levelling Up, Homes and Communities.</p>	<p>Assistant Director of Finance</p>
<p>To authorise the Council Tax Base and Council Tax Requirement returns and any related submissions from the Department for Levelling Up, Homes and Communities.</p>	<p>Assistant Director of Finance</p>
<p>To authorise internal Memorandum of Understanding in relation to external grant funding assigned to projects (this control is a requirement of the Town Deal and LUF).</p>	<p>Assistant Director of Finance</p>

Delegated Matter	Officer Level
To authorise Grant Funding Agreements and subsequent variations in relation to accountable body arrangements (this control is a requirement of the Town Deal and LUF).	Assistant Director of Finance
To authorise Project Adjustment Requests in relation to external grant funding in order to apply to the Department for Levelling Up, Homes and Communities.	Assistant Director of Finance
To administer, bill, collect and enforce levies arising under a Business Improvement District (BID) Scheme. Payment of the levy collected to the BID.	Assistant Director of Finance
Community Finance	
The signing of Deferred Payment Agreements and to lift/cancel agreements once payment has been made	Service Manager – Community Finance
To sign the Memorandum of Understanding (MOU) between the Council and the DWP to enable the use of the Searchlight system (which grants access to DWP benefit and HMRC information)	Service Manager – Community Finance
Pensions	
<p><u>LGPS Death Grants</u>: To determine the award of LGPS Death Grants of a value of up to £500 (or as increased to a higher value by the Pensions Committee)</p> <p>N.B. where the case is over £501 (or exceeds any higher figure approved by the Pensions Committee) the decision will be made by the Director of Resources (or Deputy s151 - Pensions in their absence) in consultation with the Chair and Vice Chair of the Pensions Committee.</p>	Senior Manager – Pensions & Financial Services
<p><u>Internal Dispute Resolution Procedure (IDRP)</u>:</p> <p>(1) To determine IDRP cases on behalf of the Administering Authority:</p> <ul style="list-style-type: none"> • at Stage 1 where the IDRP relates to a decision taken by the Cumbria Pension Fund; • at Stage 2 where the case relates to a Scheme employer. <p>(2) To agree and make payment of an award of compensation up to £2,000 in relation to IDRPs. N.B. Any award of compensation above £2,000 must be agreed by the Director of Resources (or Deputy s151 - Pensions in their absence) in consultation with the Chair and Vice Chair of the Pensions Committee.</p>	<p>Senior Manager – Pensions & Financial Services</p> <p>Senior Manager – Pensions & Financial Services</p>
<u>Pensions Ombudsman</u> :	

Delegated Matter	Officer Level
<p>(1) To determine the response on behalf of Westmorland & Furness Council as Administering Authority to investigations by the Pensions.</p> <p>(2) To agree and make payment of an award of compensation up to £2,000 in relation to cases referred to the Pensions Ombudsman (including, for the avoidance of doubt, the payment of compensation amounts as instructed by the Pensions Ombudsman).</p> <p>N.B. Any award of compensation above £2,000 must be agreed by the Director of Resources (or Deputy s151 - Pensions in their absence) in consultation with the Chair and Vice Chair of the Pensions Committee.</p>	<p>Senior Manager – Pensions & Financial Services</p> <p>Senior Manager – Pensions & Financial Services</p>
<p><u>LGPS Exit Credits:</u> To authorise the payment of exit credits to employers exiting Cumbria Pension Fund where the exit credit has been calculated and certified by the Scheme Actuary in accordance with the Cumbria Pension Fund's Admission & Termination Policy.</p>	<p>Senior Manager – Pensions & Financial Services</p>
<p><u>Pension Fund cash management:</u> The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009, state that the Administering Authority must hold in a separate bank account all monies held on behalf of the Pension Fund and formulate an investment policy to govern how the authority invests any Pension Fund cash. As such, management of the Cumbria Pension Fund cash balances is authorised to the Senior Manager – Pensions & Financial Services in conjunction with the Finance Manager – Pensions & Treasury and the Principal Finance Officer – Treasury.</p>	<p>Senior Manager – Pensions & Financial Services in conjunction with the Finance Manager – Pensions & Treasury and the Principal Finance Officer – Treasury.</p>
<p><u>Inward Transfer of Pension:</u> To approve to extend the normal time limit for acceptance of an inward transfer value beyond 12 months of becoming an active member of the LGPS where there are exceptional circumstances for doing so and the Scheme employer also agrees to the extension of the normal time limit.</p>	<p>Senior Manager – Pensions & Financial Services</p>

Pensions Internal Dispute Resolution Procedure (IDRP) Complaints

Who Appeal is against	Stage 1 Allocation	Stage 2 Allocation
<p>Cumbria CC as employer (centrally employed CCC employees)</p>	<p>Senior Manager – People Management</p>	<p>Senior Manager – Pensions and Financial Services</p>
<p>Cumbria CC (school based LGPS staff) for employer issues</p>	<p>Sent to the appropriate employer/HR nominated person at the School</p>	<p>Senior Manager – Pensions and Financial Services</p>

Other Fund Employers/Academies	Sent to the appropriate employer/Academy	Senior Manager – Pensions and Financial Services
Cumbria CC as Administering Authority	Senior Manager – Pensions and Financial Services	Senior Manager – Legal & Democratic Services
Cumbria CC (school based LGPS staff) for Administering Authority issues	Senior Manager – Pensions and Financial Services	Senior Manager – Legal & Democratic Services

(b) Management of property and assets

Delegated Matter	Officer Level
To act as the Council's corporate property officer and commissioner of all property and related facilities management services	AD Corporate Assets, Fleet and Capital Programme
To be responsible, in accordance with any Council policies, for all land and property asset management matters in respect of all land and property asset management matters in respect of all land, buildings and property held by the Council	AD Corporate Assets, Fleet and Capital Programme
To ensure all land and property is disposed of in accordance with section 123 of the Local Government Act 1972	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service or Estates Manager
To authorise the freehold acquisition and disposal of land where value is less than £1,000,000 (save that where any prescribed legal procedure has been followed no objections have been received) and in accordance with the approved Disposal Programme or approved Capital Programme.	AD Corporate Assets, Fleet and Capital Programme
To report to Cabinet in relation to the authorisation of any disposal at an undervalue and to ensure report sent to Chair of Overview & Scrutiny (see Annex to Contract Procedure Rules)	AD Corporate Assets, Fleet and Capital Programme
Agreeing licences or short term rental or membership of workspace (ie where a lease will not be created and there is no security of tenure)	Senior Manager responsible for the Service /Estates Manager
To report to Cabinet in relation to the authorisation and granting of leases of over 125 years	AD Corporate Assets, Fleet and Capital Programme

Delegated Matter	Officer Level
To authorise terms for new leases of between seven years and 125 years	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service or Estates Manager
To authorise terms for new leases of less than seven years	Senior Manager responsible for the Service + Estates Manager
To authorise rent reviews and lease negotiations in respect of property under the council's management	Senior Manager responsible for the Service + Estates Manager
To authorise terms of licences, wayleaves, easements and rights of way and to grant permission for the waiver of restrictive covenants	Senior Manager responsible for the Service + Estates Manager
To approve routine requests for assignment or consents under the terms of an existing lease where normal tests for financial standing have been met	Senior Manager responsible for the Service + Estates Manager
To negotiate and agree terms for occupation of buildings not owned by the council	Senior Manager responsible for the Service + Estates Manager
To authorise the termination of leases or other interests in council land and property where desirable in delivery of approved projects or Asset Strategy	AD Corporate Assets, Fleet Senior Manager responsible for the Service or Estates Manager
To countersign property valuations and assessments	Senior Manager responsible for the Service + Estates Manager
To deal with lettings of any Council accommodation to outside bodies and organisations within criteria for charging determined by the Cabinet from time to time and to approve applications for the use of space within Council buildings.	Senior Manager responsible for the Service + Estates Manager or Corporate Landlord Manager (or equivalent)
To take all operational decisions in respect of the management and maintenance of the Council's buildings and facilities including integrated commercial and technical services functions relating to building cleaning, building maintenance and projects and professional consultancy purchasing and transport services	Senior Manager responsible for the Service + Estates Manager or Corporate Landlord Manager or Hard Facilities Manager (or equivalent)
Maintaining up to date records of all land and buildings, including values and plans, for inclusion in the corporate fixed asset register in the format prescribed by the s151/Chief Finance Officer and at least on an annual basis.	Senior Manager responsible for the Service + Estates Manager or Corporate Landlord Manager or Hard

Delegated Matter	Officer Level
	Facilities Manager (or equivalent)
Ensuring that all land and buildings are maintained so as to best protect and safeguard the Council's interests	Senior Manager responsible for the Service + Estates Manager or Corporate Landlord Manager or Hard Facilities Manager (or equivalent)
To be responsible for developing and delivering an asset management plan that details short, medium and long term use of assets, and establishes arrangements for monitoring and reporting asset performance.	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service + Estates Manager or Corporate Landlord Manager or Hard Facilities Manager (or equivalent)
Arranging for the regular valuation of assets for accounting purposes to meet the requirements specified by the s151/Chief Finance Officer	Senior Manager responsible for the Service + Estates Manager
Arranging the disposal of surplus assets in compliance with any approved asset management strategy/plan(s) that apply and subject to the necessary approvals. The acquisition of land and buildings on behalf of the Council in accordance with any asset management strategy/plan(s) that apply, Capital Programme and medium term financial plan, and subject to the necessary approvals	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service or Estates Manager
Notifying the s151/Chief Finance Officer of acquisitions and disposals so that the accounting records can be updated.	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service or Estates Manager
Ensuring all rents, charges or fees due in respect of investment land and buildings are raised and all income is collected and accounted for in the Council's accounting systems	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service or Estates Manager
Ensuring all lessees and other prospective occupiers of Council land or buildings are not allowed to occupy the property until a lease or agreement in a form approved by the Chief Legal & Monitoring Officer has been completed	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service or Estates Manager
Ensuring all title deeds are passed to Legal Services who act as custodian for all title deeds for Council properties and land	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible

Delegated Matter	Officer Level
	for the Service or Estates Manager

(c) Management of Fleet and Transport

Delegated Matter	Officer Level
Ensure compliance with the Council's Heavy Goods Vehicles and Public Service Vehicles Operator's Licences	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service + Transport Managers
Maintenance of the Council's vehicle fleet in accordance with legal requirements and industry standards	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service
Fleet management functions including bulk fuel and fuel cards procurement and administration, the vehicle telematics systems, the Safer Driving Programme and vocational driver reports	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service
Management of the Council's pool cars fleet and Business Travel Needs function	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service
Driving and vehicle maintenance education and training for the Council workforce	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service
Ownership and implementation of the Management of Occupational Road Risk requirements	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service
Fleet procurement and disposal support	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service
Delivery of the in-house transport service	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service

(d) Capital Programme

Delegated Matter			Minimum Officer Level
Approval to commence procurement for a call off contract from an approved framework agreement or contracts for which the budget has been wholly included in the Capital programme with value £0-£499,000.			AD Corporate Assets, Fleet and Capital Programme
Approval of Quotes/ Tenders/ Contracts/ Invoices/ eProc/ Cheques			
Level	eProc	Value	Minimum Officer Level
1	1	£0 - £2000	Project or Programme Assistant
2	3	£2,001 - £10,000	Senior Estates Surveyor or Property Surveyor or Building Maintenance Officer
3	4	£10,001 - £25,000	Project Manager or Project Lead or Programme Control Officer
4	5	£25,001 - £50,000	Project Manager or Project Lead
5	5	£50,001 - £100,000	Project Manager or Project Lead + Project Manager or Project Lead
6	6	£100,001 - £250,000	Senior Manager responsible for the Service, Capital Portfolio Manager, Capital Programme Control or Project Director + Senior Manager responsible for the Service, Capital Portfolio Manager, Capital Programme Control or Project Director (See note 1)
7	6	£250,001 - £499,999	AD Corporate Assets, Fleet and Capital Programme + Senior Manager responsible for the Service (See note1)

Delegated Matter	Minimum Officer Level
Note 1: Sealing of contract (strategically or politically important contracts or those requiring a 12-year limitation period) by an Officer authorised by the Chief Legal and Monitoring Officer	

(e) Commissioning and Procurement

Delegated Matter	Officer Level
Approving Contract Modifications	Assistant Director - Commissioning & Procurement
Approving Contract Exemptions	Assistant Director - Commissioning & Procurement and Chief Legal and Monitoring Officer
Approving Permissions to Procure	Assistant Director - Commissioning & Procurement
In conjunction with the recruiting Director/ Assistant Director authorising contract spend associated with the recruitment of non-permanent workers through the managed service provider contract - £100,000 and above and for workers with tenure of more than 12 months	Assistant Director - Commissioning & Procurement
Placing such emergency contracts/orders as necessary by means that are reasonable under the circumstances in the case of an extreme emergency where there is immediate danger to the safety of persons or serious risk of immediate loss or damage to the Council's assets or interests, or the interests of another party	Assistant Director - Commissioning & Procurement

Linda Jones
Chief Legal and Monitoring Officer
OCT 2023