

NORTH LINCOLNSHIRE COUNCIL

COUNCIL

**SCHEME OF DELEGATIONS TO OFFICERS AND APPOINTMENT OF
PROPER OFFICERS**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 For Council to consider approving consequential amendments to the Scheme of Delegations to Officers and Appointment of Proper Officers ('Scheme') following completion of phase 1 of the Chief Executive's senior management review.

2. BACKGROUND INFORMATION

- 2.1 Following the completion of phase 1 of the senior management review, it has been necessary to update the Scheme to reflect the new titles and roles of Directors.
- 2.2 As part of the updating process, the opportunity has also been taken to have the Scheme externally reviewed to ensure that it remains in tune with legislative developments and best practice.
- 2.3 The revised and updated Scheme is attached at Appendix 1.
- 2.4 As the Scheme forms part of the Council's Constitution, Council's approval to the revised and updated Scheme is sought so that it can be incorporated into the Constitution.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1: Not to approve the revised Scheme as detailed at Appendix 1 of this report.
- 3.2 Option 2: To approve the revised Scheme as detailed at Appendix 1 of this report.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1: Not to approve the revised Scheme would mean that the Scheme does not reflect the new Director titles and roles that are now operational following completion of phase 1 of the senior management review.
- 4.2 Option 2: To approve the revised Scheme would ensure that the Scheme reflects the new titles and roles of Directors and following external review, accords with best practice.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

- 5.1 There are no financial or resource implications arising from this report.
- 5.2 The Scheme has been externally validated by specialist public sector solicitors to ensure that it accords with legislative developments and best practice.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

- 6.1 No other relevant implications have been identified arising from this report.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 7.1 An Integrated Impact Assessment is not required for this report.

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 8.1 No conflicts of interest have been declared or identified arising from this report.

9. RECOMMENDATIONS

- 9.1 Council approves Option 2 of this report and adopts the revised Scheme as detailed in Appendix 1 for inclusion in the Council's Constitution.

MONITORING OFFICER

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Date: 8 February 2022 v1

Background Papers used in the preparation of this report:

Scheme of Delegations to Officers and Appointment of Proper Officers
North Lincolnshire Council Constitution

**North
Lincolnshire
Council**

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APPENDIX 1

NORTH LINCOLNSHIRE COUNCIL

**DELEGATIONS TO OFFICERS
AND APPOINTMENT OF
PROPER OFFICERS**

NORTH LINCOLNSHIRE COUNCIL

SCHEME OF DELEGATION TO OFFICERS AND APPOINTMENT OF PROPER OFFICERS

1 GENERAL PRINCIPLES

- 1.1 The scheme of delegation authorises the Chief Executive, Deputy Chief Executive and Directors to exercise the functions of North Lincolnshire Council as set out in this document.
- 1.2 The Council and the Executive will make decisions on matters of significant policy, the Chief Executive, Deputy Chief Executive and Directors have authority through the scheme of delegation to take all necessary actions to implement decisions of the council and its executive that commit resources within agreed budgets in the case of financial resources as necessary and appropriate.
- 1.3 This scheme of delegation covers both executive and non-executive functions and is subject to the 'cascade' principle and, unless excluded by statute, bestows the power for the Chief Executive, Deputy Chief Executive and Directors to further delegate in writing all or any of these delegated powers to other officers (described by post title) either fully or in part and subject to such limitations as considered reasonable by the delegating officer. Any such delegation must be evidenced in writing, dated and signed by the officer delegating the authority, with a copy supplied to the Service Manager: Democracy. The officer delegating the function remains responsible for ensuring that delegated decisions are properly taken by sufficiently senior and experienced officers and for the decisions taken.
- 1.4 Where a function has been delegated to an Officer (including where sub-delegated through the cascade principle), the person or body making the delegation may at any time assume responsibility for the function and may therefore exercise the function despite the delegation.
- 1.5 Delegations relate to all provisions for the time being in force under any applicable legislation and cover executive, non-executive and local choice functions of the Council and all powers and duties incidental to that legislation, as well as authorising entering into contracts or deeds and affixing the common seal in pursuance of those decisions.
- 1.6 It does not delegate to officers:
 - 1.6.1 Any matter which by law may not be delegated to an officer.
 - 1.6.2 Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a Committee or Sub-Committee.
- 1.7 Any delegation must be exercised:
 - 1.7.1 In compliance with the Council Procedure Rules, Contract Procedure Rules and Financial Regulations of the Council.

- 1.7.2 In accordance with the decision-making requirements set out in Article 13, including requirements for decision-records.
 - 1.7.3 Having identified and managed appropriate strategic and operational risks within the Chief Executive, Deputy Chief Executive and Director's area of responsibility as set out in the council's risk management strategy.
 - 1.7.4 Within the approved budget and policy framework approved by the Council from time to time (or separate approval must be sought).
 - 1.7.5 Following any appropriate consultation, legislative, equalities or procedural requirements that may be required.
- 1.8 In relation to all delegated authority conferred on by the Deputy Chief Executive and Directors by this scheme, the Chief Executive may allocate or re-allocate responsibilities for exercising particular powers to any officer of the council in the interests of effective corporate management.
- 1.9 An officer, in exercising delegated powers, shall consult other appropriate officers including legal, financial and technical officers and shall have proper regard to any advice received.

2 DELEGATIONS TO THE CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVE AND DIRECTORS

- 2.1 To take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy and to comply with statutory obligations within their area of responsibility and within approved budgets.
- 2.2 To incur revenue expenditure within estimates subject to prior consultation with the Cabinet Member as appropriate where the proposed expenditure is in respect of any new purpose or project or in pursuance of a new policy or extension of an existing policy involving a continuing financial commitment.
- 2.3 To incur capital expenditure provided that the project is included in the approved Capital Programme.
- 2.4 In consultation with either the Chief Accountant or Accountancy Strategic Lead to vire between heads of expenditure amounts between £50,000 and £100,000.
- 2.5 To authorise and approve all procurement exercises, exception requests and terms and conditions in accordance with the Contract Procedure Rules.
- 2.6 To sign contracts (except for the acquisition or disposal of land or of any interest in land which shall be entered into by the Head of Legal and Democracy in consultation with the Director: Economy and Environment), in accordance with the Contract Procedure Rules, provided:
 - 2.6.1 the contract does not exceed £100,000; and

2.6.2 the Council's scheme of delegations has not been exceeded.

- 2.7 To approve Local Government (Contracts) Act 1997 certificates, contract variations and exercise other contractual rights under contracts, including re-financing in consultation with the Director: Governance and Communities (acting in the capacity as Chief Financial Officer).
- 2.8 Subject to consultation with the Director: Governance and Communities (acting in the capacity as Chief Financial Officer) to set fees and charges for council services, based on a written business plan, including making any necessary changes to service delivery to achieve income targets and policy requirements included in the approved budget, together with the power to undertake consultation as necessary or appropriate, carry out promotional campaigns and take any other actions as may be required to achieve those targets.
- 2.9 To deal with all staffing and human resources matters affecting Directorate staff including:
- 2.9.1 Appointing employees to posts within the approved establishment at the position of Deputy Chief Officer as defined in section 2 (8) of the Local Government and Housing Act 1989 and below.
 - 2.9.2 Taking disciplinary/capability action against employees in accordance with approved procedures. This may include the precautionary suspension of employees provided that the agreement of the Director: Economy and Environment shall be obtained before any decision is made to suspend an employee.
 - 2.9.3 Approving ill health retirements; voluntary redundancy and/or early retirement; and early retirement in the efficiency of the service, subject to agreement with the Director: Economy and Environment.
 - 2.9.4 Training and development, granting special leave, progression, expenses and all remuneration of whatever type including ex gratia payments, and other benefits.
 - 2.9.5 Approving the establishment and grading of posts (including restructures and permanent establishment variations); changing job descriptions and titles; the deletion of posts; and the granting of honoraria and onerous duty payments subject to the agreement of the Director: Economy and Environment
- 2.10 The Director: Children and Families shall not have power to relegate or dismiss employees in schools with delegated powers and shall take any action in relation to such employees in accordance with the provisions of any relevant Articles and Instruments of Government for Schools.
- 2.11 To sign indemnities relating to loss or injury suffered by employees in their Directorate or pupils or students undergoing training or work experience.
- 2.12 In respect of functions exercisable through their service, the appointment or authorisation of officers to issue cautions and serve notices under statutory powers,

to act under public protection legislation, to examine and seize food or any other articles, things or matter, to make test purchases and to remove persons from all Council premises.

- 2.13 To authorise the service of any notice or requisition for information under any act requiring the owner or occupier of or any person having an interest in or managing any land or premises to give information to the local authority.
- 2.14 The declaration of land not exceeding £5,000 in value surplus to the requirements of their services.
- 2.15 The letting of rooms on licence or lease, or on a hire or use basis (for a day or less) in buildings under their control in consultation with the Director: Economy and Environment.
- 2.16 To represent the Council on partnerships and other bodies and undertake functions delegated to them by Joint Committees or other local authorities or public bodies.
- 2.17 To issue statements to the press and other media concerning the functions delegated to them, in consultation with the Director: Economy and Environment.
- 2.18 To respond to any Government consultations and submit expressions of interest to HM Government and other public sector bodies concerning the functions delegated to them.
- 2.19 In consultation with the Chief Executive and Deputy Chief Executive to develop and implement transformational programmes of activity in the functions delegated so as to realise outcomes in the priority areas for the Council.
- 2.20 In consultation with the Council's Head of Audit and Assurance to settle or compromise insurance related claims or proceedings following recommendation by the Council's Insurers.
- 2.21 To discharge any other functions assigned to them at the discretion of the Chief Executive.

3 DELEGATIONS TO THE CHIEF EXECUTIVE

- 3.1 To be Head of Paid Service and to discharge the statutory functions thereof.
- 3.2 To be Returning Officer for any constituency or part of a constituency coterminous with or contained in the District; for elections of Councillors for the District; for parishes within the District and any other elections or referenda. To exercise all elections, referenda and electoral registration functions not otherwise allocated, including the appointment of Deputing Returning Officers.
- 3.3 To take any action necessary in connection with an emergency, disaster or business interruption in the District including authorising expenditure.

- 3.4 To exercise any executive functions where the Council does not have a Leader and Deputy Leader in office.
- 3.5 To deal with such other decisions that they consider need to be taken immediately.
- 3.6 To exercise a power delegated to any officer when that officer is unable or unwilling to act.
- 3.7 To determine authorisations for surveillance undertaken under the Regulation of Investigatory Powers Act 2000 including the acquisition of confidential information and the deployment of a juvenile or vulnerable covert human intelligence source.
- 3.8 In consultation with the Monitoring Officer and the Chairman of the Standards Committee to grant dispensations to members who have declared a conflict of interest in decisions taken or to be taken.
- 3.9 In consultation with the Leader of the Council to approve on behalf of Council, appointments to Outside Bodies, save those appointed by Council.
- 3.10 To appoint or remove the Council's lead representative to the Children's Multi-Agency Resilience and Safeguarding Board (CMARS) constituted under section 16 (e) of the Children and Social Work Act 2017 and to hold such lead representative to account for the effective working of the CMARS.
- 3.11 To provide strategic leadership and hold to account the Directors: Children and Families and Adults and Health for the performance of their departments and delivery of the services and functions within the scope of their delegations.
- 3.12 To discharge the functions conferred on, or exercisable by, the Council under the Counter Terrorism and Security Act 2015 (as amended), including those relating to the CHANNEL Panel
- 3.13 To discharge the functions conferred on, or exercisable by, the Council in relation to the Domestic Abuse Act 2021 and any related statutory guidance, including that issued concerning the Delivery of Support to Victims of Domestic Abuse, including Children, in Domestic Abuse Safe Accommodation Services.
- 3.14 To discharge the functions conferred on, or exercisable by, the Council in relation statutory guidance concerning the Supporting Families Programme.

4 DELEGATIONS TO THE DEPUTY CHIEF EXECUTIVE

- 4.1 To deputise for the Chief Executive, including those duties held by the Chief Executive as Head of Paid Service, as required.
- 4.2 To provide strategic leadership and hold to account the Directors: Economy and Environment, Governance and Communities and Public Health for the performance of their departments and delivery of the services and functions within the scope of their delegations.
- 4.3 To promote North Lincolnshire as an area for economic development and/or tourism and as part of the Northern Powerhouse.

- 4.4 To lead on place marketing of North Lincolnshire as a premier location for business, leisure and housing.
- 4.5 In consultation with the Leader of the Council to commission and accept fact finding documents that contribute to and inform the evidence base for the Local Development Framework (LDF).
- 4.6 To be responsible for the development and presentation of policy that represents the councils interests through the Greater Lincolnshire Joint Strategic Oversight Committee, including positioning the council to achieve maximum benefit from the levelling up and devolution agenda.
- 4.7 To be responsible for the development and presentation of policy that represents the council's interests through the Humber Leadership Board.
- 4.8 To represent the council's interests in infrastructure and economic transformation that are beyond the place of North Lincolnshire, working with the relevant Directors to align local responses.
- 4.9 To ensure a system is in place for local business continuity and emergency planning and to represent the interests of North Lincolnshire at regional and national emergency response forums.
- 4.10 To oversee and ensure effective discharge of the Council's duties for prevent and counter terrorism.
- 4.11 To lead the council's Green Futures Strategy.
- 4.12 To lead the council's ambition for corporate parenting that goes above and beyond the statutory duties of the Director Children & Families.

5 DELEGATIONS TO THE DIRECTOR: PUBLIC HEALTH

- 5.1 To discharge the statutory functions of the Director of Public Health under section 73A National Health Service Act 2006, including exercising the duties and functions set out in statutory guidance.
- 5.2 To lead and exercise the powers and duties of the Council in relation to public health protection and prevention including authority:
 - 5.2.1 To exercise the local authority's functions in planning for, and responding to, emergencies that present a risk to public health.
 - 5.2.2 To deliver any public health protection or health improvement functions delegated by the Secretary of State to local authorities, as mandated by regulations made under the National Health Service Act 2006, including providing healthy start vitamins.
 - 5.2.3 To provide the Council's public health response as a Responsible Authority under the relevant Licensing Acts.

- 5.2.4 To lead on health improvement, health protection and public health advice for core services including the NHS, co-ordinate and drive reductions in local health inequalities, and ensure that health and wellbeing remains a key priority across North Lincolnshire.
- 5.2.5 To produce the Joint Strategic Needs Assessment and the Health and Wellbeing Strategy; ensure they are agreed by the Health and Wellbeing Board; and to ensure that implications are taken into account in decision-making across the exercise of all of the Council's functions.
- 5.2.6 To act as lead officer for the development of the Health and Wellbeing Board.
- 5.2.7 To deliver the Public Health Outcome Framework.
- 5.2.8 To produce an annual report on the health of the local population.
- 5.2.9 To produce, as necessary, health needs audits and health equity audits.

5.3 To commission mandatory and other services including:

- 5.3.1 Open access sexual health services
- 5.3.2 NHS health checks assessment.
- 5.3.3 The National Child Measurement Programme.
- 5.3.4 The Healthy Child Programme 0-5 years.
- 5.3.5 Public health advice service to the Clinical Commissioning Group in relation to their powers and duties to commission health services.
- 5.3.6 Information and advice to local health protection arrangements.

5.4 To keep under constant review the Council's public health emergency preparedness, resilience and response responsibilities to ensure that the Council can deliver such responsibilities effectively.

6 DELEGATIONS TO THE DIRECTOR: ECONOMY & ENVIRONMENT

6.1 To discharge the functions of the Council relating to:

Planning and Development Services

Building Control

Economic Development and Business Support

Housing Strategy, Private sector housing renewal

Registrars

Tourism

Public conveniences

Construction and Property services

Highways and Transport Services

Environmental cleaning, sweeping and grounds maintenance

Flood defence and land drainage

Parks and open spaces, Countryside recreation management

Cemetery, cremation and mortuary services

Catering Services

Building cleaning, maintenance and office services

Consumer Protection, including trading standards, water and food safety, environmental health and protection & animal welfare

Licensing and sports ground regulation

Pest Control

Fleet Services

Waste Management

Human Resources & Organisational Development

Occupational Health & Safety

Welfare Counselling Service

Information Technology

Marketing & Communications

Local Land Charges

- 6.2 To lead on Council wide industrial relations negotiations and related matters and negotiate and implement changes to policy and terms and conditions of service (national and local) including changes to rates of pay where changes are necessitated by way of statutory increases and/or nationally/locally binding agreements.

- 6.3 To compromise employment related claims and act as the Council's signatory to associated compromise and settlement agreements in consultation with the relevant Director.
- 6.4 To be responsible for the development and growth of HR and associated functions of the Council.
- 6.5 To be responsible for communications including approval and issue of all official publicity, press statements, media releases and official publications such as News Direct, including responsibility for developing and maintaining the editorial content of all North Lincolnshire Council web-sites, including maintenance thereof.
- 6.6 In the context of the Council's Property portfolio and functions and in accordance with the Property Portfolio Management Framework, to exercise powers for the sale, purchase, lease, licence or such other disposal or acquisition of land including:
 - 6.6.1 Undertaking valuation functions and negotiations on the Council's behalf.
 - 6.6.2 Commissioning development appraisals and project briefs as appropriate.
 - 6.6.3 Submitting Planning Applications in relation to Council land to assist potential disposal.
 - 6.6.4 Determining rent reviews, lease renewals, surrenders, applications for assignment or sub-letting, wayleaves, easements, serving notices to quit (including under the Landlord and Tenant Act 1954), repair, consents (including by mortgagors to carry out alterations to residential properties), applications for alterations and closure of properties pursuant to legislation and all other day to day property management functions.
 - 6.6.5 Enforcing breaches of covenant or non-compliance with the terms of leases, licenses or conditions of sale and determine dilapidation and compensation payments.
 - 6.6.6 Managing trespass on Council land (and private land where instructed) including applications to court for repossession and all action required to re-possess such land or property, including removal of persons or property.
- 6.7 To deal with matters under Building Acts and Building Regulations including dangerous structures, determining applications for relaxation or dispensation of the Building Regulations and building control fees.
- 6.8 To authorise the service of all enforcement notices and such other notices as may be required from time to time for the discharge of the functions detailed in paragraph 6.1.

- 6.9 Determination of all other matters required to be dealt with as part of the management and administration of the Council's development control function and powers, including appeals, orders conditions, enforcement and ancillary matters.
- 6.10 To carry out minor highway improvement and maintenance schemes, including provision and upkeep of highways signage (including street and town/village entry signs etc.) up to a maximum value per scheme not exceeding £50,000.
- 6.11 To discharge the Council's functions under the New Roads and Street Works Act 1991, street lighting, naming and numbering.
- 6.12 To object to applications to the Traffic Commissioners for goods vehicle operator licenses.
- 6.13 To approve or refuse applications for permits at existing authorised parking places for Doctors and at the Market Place, Brigg.
- 6.14 To act as agent to private land owners and land managers in applying to the Forestry Authority for woodland grant schemes on both public and private land and DEFRA for Countryside Stewardship grant schemes.
- 6.15 To determine applications under the Licensing Act 2003 as defined and detailed in the Council's statement of licensing policy in accordance with guidance issued by the Secretary of State.
- 6.16 To determine authorizations for surveillance to be undertaken under the Regulation of Investigatory Powers Act 2000.
- 6.17 The maintenance of the Land Charges Register and the response to Local Searches.
- 6.18 To discharge functions in the IT Continuity Plan in a major incident or civil emergency and take action including:
 - 6.18.1 Deciding priorities and direct resources.
 - 6.18.2 Shutdown IT services to minimize impact or allow recovery actions to proceed.

EXCEPTIONS TO THE SCHEME OF DELEGATION IN RESPECT OF PLANNING FUNCTIONS:

1. Applications made by members of the council, or senior officers (unit manager level and above) or any other officer responsible to the Director : Economy and Environment or the spouse of partner of any of the foregoing who resides at the same address, and/or applications relating to any land in which any of the foregoing have an interest.
2. Applications vetoed by any member of the council.
3. Approvals contrary to policy - i.e. departures and potentially justifiable exceptions.

4. Applications which have aroused significant public interest on valid planning grounds or an objection from a statutory consultee, at the discretion of the Director: Economy and Environment or his/her nominated representative.
5. Applications subject to a parish council objection on valid planning grounds where the recommendation is to grant permission or applications specifically supported by the parish council where the recommendation is to refuse.
6. Applications subject to a request from a member of the public that the matter be referred to the Planning Committee so that they may address the committee.
7. Confirmation of tree preservation or other orders or directions which are the subject of an objection.

7 DELEGATIONS TO THE DIRECTOR: GOVERNANCE & COMMUNITIES

7.1 To be the statutory role of Chief Financial Officer (S151 officer).

7.2 To discharge the functions of the Council relating to:

Community Safety

Community development

Integrated children's and community offer for wellbeing and targeted early help

Adult and Community Learning

Library Services

Positive activities for young people, including youth democracy

Sport and Leisure

Culture and Heritage

Finance services

Commissioning and Procurement

Audit Risk & Insurance

Local Tax Collection

Housing Benefit Administration

Welfare Assistance

Customer Experience

Customer Transactional Services

Information Governance and Data Protection

Legal Services

Democratic Services, including Civic Office

Corporate Management

Elections

Council Strategy & Insight

Strategic Projects

Business Performance and Improvement

- 7.3 To ensure the proper administration of the Council's financial affairs including the accounting arrangements of the Council including (but not limited) to the following:
- 7.3.1 All officer decisions on borrowing, investment or financing in accordance with the approved Treasury Policy Statement.
 - 7.3.2 The investment of the Council's funds in accordance with such policy as the Council may from time to time approve and with a view to achieving such enhanced returns as is consistent with security and liquidity.
 - 7.3.3 To adjust where necessary the authorised and operational limits agreed each year for external debt, and to effect movement between the separately agreed figures for borrowing and long-term liabilities. Any such changes to be reported to the Council at its next meeting following the change.
 - 7.3.4 Management of the Collection Fund, General and other Funds and accounts and the disbursement of monies therefrom.
 - 7.3.5 Raising of finance including leasing of vehicles, plant and equipment where the acquisition of the item concerned has all necessary approvals.
 - 7.3.6 The administration of Housing Benefits, Council Tax Benefits and Business Rates (NNDR), including recovery thereof and write off of any sums deemed irrecoverable, save as otherwise provided in this Constitution.
 - 7.3.7 The grant of rate relief to charities within principles laid down by the Council.
 - 7.3.8 To write off all types of debtor account save where the total for any one debtor account exceeds £10,000 the Director shall first consult with the Cabinet Member: Finance and Governance.
 - 7.3.9 To make mortgage advances to applicants fulfilling conditions set by the Council.
 - 7.3.10 Approve any individual loan or loan scheme.

- 7.3.11 Make applications for funding, receive grants and act as accountable officer.
- 7.3.12 Act in receivership of the property of the mentally ill.
- 7.4 To authorise officers to initiate and conduct legal proceedings in the Magistrates and County Courts on behalf of the council in connection with the council's finance and benefit functions.
- 7.5 On the recommendation of the Director: Economy and Environment to accept or reject blight notices in respect of planning or highway proposals and recover unclaimed compensation (from CPO's or otherwise).
- 7.6 Approve the council's insurance policies and maintain effective insurance cover in consultation, where necessary, with the relevant Cabinet Member and to take all necessary action regarding insurance and uninsured losses.
- 7.7 To exercise functions relating to petitions; community governance reviews; boundary changes and governance reviews.
- 7.8 To determine authorisations for surveillance, maintain the Register and to be the Council's senior responsible officer in connection with the Regulation of Investigatory Powers Act 2000.
- 7.9 To discharge functions under The Public Libraries and Museums Act 1964.
- 7.10 To discharge functions relating to adult community learning through further and higher education under the Employment and Training Act 1973 and Teaching and Higher Education Act 1998, as amended.
- 7.11 To discharge community safety functions under the Crime and Disorder Act 1998.

8 DELEGATIONS TO THE DIRECTOR: CHILDREN & FAMILIES

- 8.1 To be the Council's statutory director of children's services (appointed for the purposes of Section 18 of the Children Act 2004) with overall responsibility for services for children's social care.
- 8.2 To discharge the functions conferred or exercisable by the Council in its capacity as Local Education Authority.
- 8.3 To be responsible for ensuring discharge of the functions conferred on or exercisable by the Council in its capacity as Local Education Authority and Children's Services Authority and any other legislation that confers functions on the Council relating to children and families as may be prescribed by legislation or the Secretary of State or which the Council may consider appropriate.
- 8.4 To discharge the functions of the Council relating to:

Children's Social Care

Education Services - SEN, Schools, Post 16, Early Years, Young people's learning & development

- 8.5 To discharge the functions conferred on or exercisable by the Council in its capacity as Children's Services Authority, including for care and support under the Care Act 2014 and all other health and social care legislation for children including in relation to mental health.
- 8.6 To promote the wellbeing of children and lead on the safeguarding for children and young people and ensure that safeguarding is a corporate and universal priority.
- 8.7 To lead on establishing effective working relationships with Central Government, Ofsted and other inspectorates and regulatory bodies, regional and local agencies and partners.
- 8.8 To nominate at least one children's Social Worker and at least one educational professional to work within the Youth Offending Team as required by Section 39(5) of the Crime and Disorder Act 1998.
- 8.9 Discharge the duty to promote the educational achievement of looked after children as set out in the Children Act 1989.
- 8.10 To provide the Secretary of State if he/she so directs, with information on individual children as required by Section 83(4A) of the Children Act 1989 or otherwise.
- 8.11 To hear and determine any complaint by a user of the Children and Young People's Service or by a member of the public relating to the discharge of any functions and designated as the 'responsible person' required by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 to ensure compliance with the procedure and ensure action is taken in the light of complaints and also for other statutory complaints procedures relating to children.
- 8.12 To obtain, where needed, any Grant of Probate of Letters of Administration on behalf of a child in the care of the Local Authority.
- 8.13 To lodge and administer, where needed, claims for Criminal Injuries Compensation on behalf of a child in care.
- 8.14 To license the employment of children.

9 DELEGATIONS TO THE DIRECTOR: ADULTS & HEALTH

- 9.1 To be the Council's statutory Director of Adult Social Services (appointed for the purposes of Section 6 of the Local Authority Social Services Act 1970, as amended).
- 9.2 To discharge the functions conferred on or exercisable by the Council in its capacity as Adult Social Services Authority conferred by the Local Authority Social Services Act 1970, the Care Act 2014 and all other health and social care legislation for adults including in relation to mental health.

- 9.3 To discharge any functions exercisable by the Council under Section 75 of the National Health Service Act 2006 on behalf of an NHS body and have responsibility for any adults functions integrated with any NHS body.
- 9.4 To discharge the functions of the Council relating to:
 - Adults Social Care
 - Relationship Management (Place Director NHS)
 - Homelessness & Housing Welfare and supporting people schemes
- 9.5 To be designated as the 'responsible person' required by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 to ensure compliance with the procedures and ensure action is taken in the light of complaints and also for other statutory complaints procedures relating to adults complaints.
- 9.6 To obtain, where needed, any Grant of Probate of Letters of Administration on behalf of an adult in the care of the Local Authority.
- 9.7 To make applications for nearest relative status and receivership of the property of the mentally ill.
- 9.8 To lead on the integration between social care and the NHS both locally within Lincolnshire and across the local health economy.
- 9.9 To be responsible for developing effective working relationships with Central Government, Care Quality Commission and all other relevant inspectorates and regulatory bodies.
- 10.10 To undertake all operational housing functions including:
 - 10.10.1 To agree, subject to consultation with the Director: Governance and Partnerships, the disposal of housing association properties within North Lincolnshire.
 - 10.10.2 Authority to allocate tenancies outside the policy approved by the Council in exceptional circumstances, with a report being submitted to the cabinet member on a quarterly basis.

10 DELEGATIONS TO THE HEAD OF LEGAL AND DEMOCRACY

- 10.1 To be the Solicitor to the Council and the Council's designated Monitoring Officer and discharge Monitoring Officer functions set out in the Localism Act 2011, the Local Government Act 2000, the Local Government and Housing Act 1989 and elsewhere, including:
 - 10.1.1 Maintaining an up-to-date version of the Constitution, keeping it under review and ensuring that it is widely available for consultation by Members, officers and the public, including authority to amend the constitution to reflect re-organisations, changes in job titles/vacancies,

minor legislative changes or requirements and to correct any typographical errors or inconsistencies subsequently identified.

- 10.1.2 After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer reporting to the Full Council, or to the Executive in relation to an Executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
 - 10.1.3 Contributing to the promotion and maintenance of high standards of conduct through provision of support, advice and training to the Standards Committee.
 - 10.1.4 Receiving complaints about member conduct (including Town and Parish Council members) determining whether local resolution is appropriate and/or authorising or carrying out investigations; making appropriate reports relating to member conduct and alleged breaches of the Members' Code of Conduct under the Standards arrangements adopted by the Council from time to time, including determining sanctions where an investigation does not proceed to a standards hearing.
 - 10.1.5 Granting dispensations to members on the grounds set out in sub-sections (a) and (d) of Section 33 (2) of the Localism Act 2011.
 - 10.1.6 Establishing and maintaining the register of members' and co-opted members' interests pursuant to section 29 of the Localism Act 2011 and to consider and decide upon sensitive interests pursuant to section 32 of the Localism Act 2011.
- 10.2 To institute, settle, defend, withdraw, compromise or otherwise deal with claims or legal proceedings on behalf of the Council, save those insured claims or proceedings referred to in paragraph 2.20, in cases where such action is necessary to give effect to decisions of the Council or in any case where the officer considers that that action is necessary to protect the Council's interests, following consultation with the relevant Director.
- 10.3 To sign or execute on behalf of the Council any pleading, information, complaint, contract, transfer, lease, licence, agreement, grant application, agreement, notice, order or such other document which requires to be signed or executed pursuant to any Officer delegations, or other authority from the Council, unless some other person has been given authority to sign or execute such document or is required by law to sign or execute such document.
- 10.4 To certify the date when evidence came to the Council's notice for the purpose of health and safety at work and corporate manslaughter or other prosecutions and civil action.

- 10.5 To serve, publicise or advertise any notice, application or order, statutory or otherwise, following a recommendation from any Director and take any steps incidental to completing or obtaining the confirmation of any notice, application, order or other proceedings made by or against the Council.
- 10.6 To authorise officers of the Council to prosecute or defend proceedings in the civil and criminal courts.
- 10.7 To sign certificates under the Local Government (Contracts) Act 1997.
- 10.8 To attest the affixing of the Common Seal of the Council to any legal document required to be executed under seal and to authorise other senior officers to attest the Common Seal as required from time to time.
- 10.9 To sign contracts that exceed £100,000 which, unless determined otherwise by the Head of Legal and Democracy, shall be executed by way of deed under the Common Seal of the Council.

Function	Legislative Provision	Proper Officer	Deputy
Reference in legislation to the "Clerk"	Any legislation before October 1972	Chief Executive	Deputy Chief Executive
Director of Children's Services	Section 18 Children Act 2004	Director: Children and Families	Relevant Assistant Director
Director of Adult Services	Section 6 Local Authority Social Services Act 1970	Director: Adults and Health	Relevant Assistant Director
Director of Public Health	Section 73A NHS Act 2006	Director: Public Health	Public Health Consultant
Appointment as Parish Trustee with Chairman of as body corporate for a Parish Meeting; Officer responsible for convening newly created Parish Councils	Local Government Act 1972 Section 13 (3)	Chief Executive	Director: Governance and Communities
Witness and receipt of declaration of acceptance of office	Local Government Act 1972 Section 83	Chief Executive	Director: Governance and Communities
Receipt of notice of resignation by councillor	Local Government Act 1972 Section 84	Chief Executive	Director: Governance and Communities
Declare any vacancy in office	Local Government Act 1972 Section 86	Chief Executive	Director: Governance and Communities

Convening a meeting of Council to fill casual vacancy in office of Chairman	Local Government Act 1972 Section 88 (2)	Chief Executive	Director: Governance and Communities
Receipt of notice of casual vacancy from two local government electors (Also for Parish and Community Councils)	Local Government Act 1972 Section 89 (1)(b) Local Elections (Parishes and Communities) (England and Wales) Rules 2006/3305	Chief Executive	Director: Governance and Communities
Exclusion of reports, etc. from inspection	Local Government Act 1972 Section 100B Schedule 12A	Director: Governance and Communities	Monitoring Officer
Supply of documents to the press	Local Government Act 1972 Section 100B(7)(c)	Director: Governance and Communities	Monitoring Officer
Written Summary where minutes would disclose exempt information	Local Government Act 1972 Section 100C	Director: Governance and Communities	Monitoring Officer
Compilation of list of background papers	Local Government Act 1972 Section 100D	For each report, the officer named in it as author, or if more than one, the first named	Second named in absence of first named
Exclusion from production to members of documents disclosing exempt information	Local Government Act 1972 Section 100F	Director: Governance and Communities	Monitoring Officer
Receipt of money due from officers	Local Government Act 1972 Section 115(2)	Director: Governance and Communities	Relevant Assistant Director
Declarations and certificates with regard to securities	Local Government Act 1972 Section 146(1)(a)	Director: Governance and Communities	Relevant Assistant Director
The Officer having responsibility for the proper administration of the financial affairs of the Council.	Local Government Act 1972 Section 151 Also Local Government Finance Act 1988 sections 112-116 and any reference in legislation before October 1972 to the "Treasurer" of a local authority	Director: Governance and Communities	Relevant Assistant Director
Functions with respect to ordnance survey	Local Government Act 1972 Section 191	Director: Economy and Environment	Relevant Assistant Director

Charity functions	Local Government Act 1972 Section 210	Director: Governance and Communities	Relevant Assistant Director
Authorise Officers to appear in legal proceedings	Local Government Act 1972 Section 223 (Also Section 60 County Courts Act 1984)	Monitoring Officer and all Directors	Deputy Monitoring Officers
Deposit of documents pursuant to the Standing Orders of either Houses of Parliament or to any enactments/instruments and any action as may be directed	Local Government Act 1972 Section 225(1)	Director: Governance and Communities	Relevant Assistant Director
Certification of photographic copies of documents	Local Government Act 1972 Section 229(5)	Director: Governance and Communities	Monitoring Officer
Authentication of documents	Local Government Act 1972 Section 234(1)	Director: Governance and Communities	Monitoring Officer
Sending confirmed byelaws to the proper officer of every Parish and Community Council to which they apply	Local Government Act 1972 Section 236	Director: Governance and Communities	Monitoring Officer
Certification of byelaws	Local Government Act 1972 Section 238	Director: Governance and Communities	Monitoring Officer
Keeping of roll of Freemen	Local Government Act 1972 Section 248	Chief Executive	Director: Governance and Communities
Signature of summons to council meetings	Local Government Act 1972 Section 99 & Schedule 12 Para.4(1A)(b)	Director: Governance and Communities	Monitoring Officer
Officer to whom members shall give notice of address desiring Council summonses to be sent where not place of residence	Local Government Act 1972 Schedule 12 Para.4(3)	Director: Governance and Communities	Monitoring Officer
Certification of resolutions under paragraph 25 applying or disapplying provisions under the	Local Government Act 1972 Schedule 14 Para.25(7)	Director: Governance and Communities	Relevant Assistant Director

Public Health Acts 1875 onwards			
Authentication of documents and issue of notices	<p>Various including:</p> <p>(a) Statutory notices under the Public Health Acts 1936 and 1961, the Control of Pollution Act 1974, the Housing Acts 1957 and 1988 and the Local Government Act 1989 (other than for Council Houses), the Local Government Miscellaneous Provisions) Act 1976 (except as specified in the next paragraph), the Prevention of Damage by Pests Act 1948, the Food Safety Act 1990 and the Environmental Protection Act 1990 (as it relates to statutory nuisances)</p> <p>(b) Notices under the Building Regulations and the Building Act 1984 and under the Local Government (Miscellaneous Provisions) Act 1976 with regard to dangerous trees and excavations</p> <p>(c) any other matter</p>	<p>Director: Economy and Environment</p> <p>Director: Economy and Environment</p> <p>Director: Governance and Communities</p>	Relevant Assistant Director
Receipt on deposit of lists of buildings of special architectural or historical interest and Building Preservation Notices	Planning (Consequential Provisions) Act 1990 Schedule 3, para 3 Town and Country Planning Act 1971 Section s 54 & 58	Director: Economy and Environment	Relevant Assistant Director
Exercise of registration functions under various legislative provisions relating to births, deaths	Registration Service Act 1953 including Section s 9, 13 and 20 Marriage	Director: Economy and Environment	Relevant Assistant Director

and marriages including appointment of superintendent registrars and local schemes and other ceremonies including citizenship ceremonies	Act 1949, Civil Partnership Act 2004		
Officer having responsibility for the storage and charge of cemetery records	Local Authorities' Cemeteries Order 1977 Article 12	Director: Economy and Environment	Relevant Assistant Director
Officer having responsibility for the signature of grants under Paragraph 1 of Part II of Schedule 2 of that Order and the granting of permission for the various matters referred to in Paragraph 1 of Part I of that Schedule	Local Authorities' Cemeteries Order 1977 Paragraph 1 of Parts I & II of Schedule 2	Director: Economy and Environment	Relevant Assistant Director
The Registration Officer for any constituency of part of a constituency coterminous or situated in the Borough.	Representation of the People Act 1983 Section 8 and 52	Chief Executive	Electoral Registration Officer/ Director: Governance and Communities
Acting Returning Officer for Parliamentary elections	Representation of the People Act 1983 Section 28	Chief Executive	Deputy Chief Executive
The Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District and to receive and inspect returns and declarations of Election expenses	Representation of the People Act 1983 Section 35(1) Representation of the People Act 1983 Section 82 and 89	Chief Executive	Electoral Registration Officer/ Director: Governance and Communities
Receipt of notice of appointment of election agent	Representation of the People Act 1983 Section 67	Chief Executive	Electoral Registration Officer/ Director: Governance and Communities
Provision of accommodation for election court	Representation of the People Act 1983 Section 131	Chief Executive	Electoral Registration Officer/ Director:

			Governance and Communities
Receipt from Returning Officer of: the names of persons elected to the council; and election documents. Retention of election documents and making them available for public inspection	Local Elections (Principal Areas) (England and Wales) Rules 2006/3304	Chief Executive	Electoral Registration Officer/ Director: Governance and Communities
Publication of reports of Local Commissioners	Local Government Act 1974 Part 3 Section 30	Deputy Chief Executive	Director Governance and Communities
(a) Various purposes with regard to drainage, water supply, sanitary accommodation. (b) Purposes relating to building control other than those comprised in (a) above (c) authorise action in relation to dangerous structures under Section 78	Building Act 1984	Director: Economy and Environment	Relevant Assistant Director
To determine applications for exemption from the list of politically restricted posts Maintain a list of politically restricted posts	Local Government and Housing Act 1989 Section 3A Section 2	Chief Executive	Monitoring Officer
Receipt of Notice re changes to Political Groups Receipt of Notice of Cessation of Membership of Political Groups	Local Government and Housing Act 1989 Sections 15,16, 17 & 18 Local Government Political Groups) Regulations 1990 Paras 9, 10, 13 & 14	Chief Executive	Director: Governance and Communities

<p>To accept wishes of Political Groups in respect of proportionality</p> <p>Receipt of notice in writing that a Councillor wishes to forego any part of entitlement to an allowance</p> <p>To notify Political Groups of allocations</p>			
Discharging the functions for dealing with stray dogs	Environmental Protection Act 1990 Sections 149 - 151	Director: Economy and Environment	Relevant Assistant Director
Service of notices requiring details of any interests in land.	Local Government (Miscellaneous Provisions) Act 1976 Section s 16	All Directors	Relevant Assistant Director
Certification of copies of resolutions, minutes and other documents	Local Government (Miscellaneous Provisions) Act 1976 Section 41	Director: Governance and Communities	Monitoring Officer
Duty of local authority to supply forms to doctors for purposes of Section 48 - Removal of dead body to mortuary for burial. Section 58 - Authentication of documents Section 60 - Service of notices and other documents	Public Health Act 1936 Sections 11, 48, 58 & 60 Public Health (Control of Disease) Act 1984	Director: Economy and Environment	Director of Public Health
Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.	Regulations 2, 3 and 6 of The Health Protection (Notification) Regulations 2010	Director of Public Health	Public Health Consultant
Preparation of certificate of Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately.	Section 48 of the Public Health (Control of Disease) Act 1984 as amended by Health and Social Care Act 2008	Director of Public Health	Public Health Consultant

Signature and authentication of notices, orders or other documents	Section 59 Public Health (Control of Disease) Act 1984	Director of Public Health	Public Health Consultant
Power to enter premises	Sections 61 and 62 of the Public Health (Control of Disease) Act 1984	Director of Public Health	Public Health Consultant
The local registrar within the meaning of the Land Registration Act 2002 and Local Land Charges Act 1975 who shall register any matters specified by these Acts affecting land situate within the district.	Land Registration Act 2002 and Local Land Charges Act 1975	Director: Economy and Environment	Relevant Assistant Director
Entertainments, licensing control of sex shops and public health	Local Government (Miscellaneous Provisions) Act 1982	Director: Economy and Environment	Licensing Manager
Licensing and gambling functions	Licensing Act 2003 Gambling Act 2005	Director: Economy and Environment	Licensing Manager
Non-disclosure where potential to prejudice the effective conduct of public affairs	Freedom of Information Act 2000 Section 36	Chief Executive	Monitoring Officer
Scrutiny Officer	Local Government Act 2000 Section 9FB	Service Manager: Democracy	Assistant to the Service Manager: Democracy
Proper Officer Functions for petitions and referenda	Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	Director: Governance and Communities	Relevant Assistant Director
29 – Establish and maintain a register of members' and co-opted members' interests 30 – 31 – Receipt of Members and co-opted members' declarations of interests and changes to those interests within 28 days 32 – Sensitive Interests	Localism Act 2011 Sections 29 - 33	Monitoring Officer	Director: Governance and Communities/ Deputy Monitoring Officers

33 – Dispensations from restrictions under Section 31(4)			
Proper Officer functions in relation to referendums	Local Authorities (Conduct of Referendums) (England) Regulations 2012	Returning Officer as the Chief Executive	Director: Governance and Communities
Proper Officer functions anti-social behaviour and community protection	Anti-Social Behaviour Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014	Director: Governance and Communities	Relevant Assistant Director
Proper Officer for notification to deal with objections by the Executive to appointments or dismissals of Chief and Deputy Chief Officers	Local Authorities (Standing Orders) (England) Regulations 2001/3384	Director: Governance and Communities	Service Manager: Democracy
Arrangements for network management and appointment of Traffic Manager	Section 17 of the Traffic Management Act 2004	Director : Economy and Environment (or any contractor appointed by that Director)	Relevant Assistant Director
Head of Paid Service	Local Government and Housing Act 1989 Section 4	Chief Executive	Deputy Chief Executive
Monitoring Officer	Local Government and Housing Act 1989 Section 5 and 5A	Head of Legal and Democracy	Deputy Monitoring Officers as appointed by the Monitoring Officer
Chief Inspector of Weights and Measures	Weights and Measures Act 1985 Section 72	Director: Economy and Growth	Relevant Assistant Director
Virtual School Head teacher	Children Act 1989 Section 22 and 23ZZA	Director: Children and Families	Relevant Assistant Director
Data Protection Officer SIRO	Data Protection Act 2018 UK GDPR	Data Protection Officer	Relevant Assistant Director
Nominated officer to receive disclosures on suspected terrorist property	Terrorism Act 2000 Part 3	Director: Governance and Communities	Relevant Assistant Director
Making accounts available to inspection by Members of the Council	Local Government Act 1972 Section 228(3)	Director: Governance and Communities	Relevant Assistant Director

Responsibility for Chief Finance Officer Reports	Proceeds of Crime Act 2002 Part 7	Director: Governance and Communities	Relevant Assistant Director
Appointment of Rent Officers under a scheme Certification of provision of suitable alternative accommodation	Rent Act 1977 Section 63 Schedule 15, Part IV, para 7	Director: Economy and Growth	Relevant Assistant Director
Receipt and inspection of complaints of category 1 and 2 hazards on residential premises	Housing Act 2004 Section 4	Director: Economy and Growth	Relevant Assistant Director
“Authorised Officer” to act in matters arising under the Food Safety Act	Food Safety Act 1990 Section 5	Director: Economy and Growth	Relevant Assistant Director
Appointment of agricultural inspectors and an agricultural analyst	Agriculture Act 1970 Section 67	Director: Economy and Growth	Relevant Assistant Director
Receipt of certificates approving dedication of highways to be maintainable at public expense and making certificates available for inspection. Power to adopt the highway by agreement	Highways Act 1980 Section 37(5) Section 38	Director: Economy and Growth	Relevant Assistant Director
Duties in relation to street works in private streets	Highways Act 1980 Section 205(3) and (5)	Director: Economy and Growth	Relevant Assistant Director
Certification of document giving details of any amendments to estimate of costs and provisional apportionment of costs of street works in private streets	Highways Act 1980 Section 210(2)	Director: Economy and Growth	Relevant Assistant Director
Making a final apportionment of costs of street works under the private street works code	Highways Act 1980 Section 211(1), 212(4), 216(2) and (3)	Director: Economy and Growth	Relevant Assistant Director
Agreements for the execution of works	Highways Act 1980 Section 278	Director: Economy and Growth	Relevant Assistant Director

Issuing of notice to require owners to remove materials from streets in which works are due to take place	Highways Act 1980 Section 295	Director: Economy and Growth	Relevant Assistant Director
Signature and authentication of notices, consents, approvals, orders, demands, licences, certificates and other documents.	Highways Act 1980 Section 321	Director: Economy and Growth	Relevant Assistant Director
Receive notification of, and having free access to, repairs of drains	Building Act 1984 Section 61	Director: Economy and Growth	Relevant Assistant Director
Access to the countryside	Countryside and Rights of Way Act 2000 Section 1	Director: Economy and Growth	Relevant Assistant Director
Nomination of Public Analyst	Food Safety Act 1990 Section 27	Director: Economy and Growth	Relevant Assistant Director
Any other provisions for which arrangements are not made above or in the scheme of delegation to officers (whether made before or after this list was last updated) requiring a proper officer or authorised officer from time to time – either to nominate a proper officer or exercise the functions.	Any	Chief Executive	Deputy Chief Executive

NB. The Chief Executive is also the Head of Paid Service.
The Head of Legal and Democracy is the Council's Monitoring Officer.

The officer of the Council named in the second column below is appointed the proper officer of the Council in relation to references to the officer named in the first column in:-

- (i) any enactment passed before the 26 October 1972 which reference is to be construed as a reference to the proper officer of the Council;
- (ii) any reference in any local statutory provision which, by virtue of any Order made under the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council.

Reference Proper Officer

Town Clerk or Clerk of the Council
Treasurer (Chief Financial Officer)
Surveyor

Chief Executive
Director: Governance and Communities
Director: Economy and Environment

Public Health Inspector
Public Health in North Lincolnshire

Director: Economy and Environment
Director: Public Health

FINAL 16.2.2022.