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# **Part 3**

## **RESPONSIBILITY FOR FUNCTIONS**

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# RESPONSIBILITY FOR FUNCTIONS

## INTRODUCTION

Section 13 of the Local Government Act 2000 provides for determining which functions of a local authority are the responsibilities of the Executive under Executive arrangements. All functions of a local authority must be the responsibility of the Executive unless specified otherwise in Regulations or there are express provisions to the contrary in other legislation.

In accordance with the requirements of the regulations Part 3 of this Constitution sets out the extent to which the Council's functions other than overview and scrutiny functions

- Are the responsibility of the full Council
- Are the responsibility of Committees of the Council
- Are the responsibility of the Executive
- Have been delegated to Officers
- Are the subject of joint arrangements

The allocation of responsibilities reflects the Secretary of State's approach to the division of functions between the Executive and the Council, namely

- Determination of the policy framework and budget and other constitutional and quasi legislative functions are to be the responsibility of the full Council
- Functions which involve determining an application from a person for a licence approval consent permission or registration (including particular planning permissions and consents) or direct regulation of a person (except in cases where there is only limited discretion in the discharge of the function) together with any related enforcement actions (including prosecutions) are not to be the responsibility of the Executive and
- All other functions not being overview and scrutiny functions are to be the responsibility of the Executive.

Within this framework all political groups on the County Council have agreed that it is the role of Councillors to concentrate upon broad strategy and policy decisions and that it is essential that managers have clear managerial control and authority to implement those decisions.

It is part of the role of Councillors to raise concerns, particularly those of constituents, and bring to the attention of Chief Officers matters of concern on any element of a service. Councillors agree that their involvement in day to day management beyond this is unlikely to produce the most effective services. In exercising their delegated powers, Chief Officers will consider the concerns and comments of Councillors whilst recognising their responsibility to manage service delivery in accordance with the Council's policy framework.

**TABLE 1****MATTERS WHICH IT IS THE RESPONSIBILITY OF THE FULL COUNCIL TO DISCHARGE**

<b>Function</b>	
<b>1.</b>	Adopting and Changing the Constitution.
<b>2.</b>	Approving or adopting the Budget and the Policy Framework.
<b>3.</b>	Changing the Budget or the Policy Framework except those changes to the Policy Framework which are necessary to ensure compliance with the law, ministerial direction or government guidance which may be made by the Executive, a Committee of the Executive, an individual Executive Councillor or an Officer in accordance with rule 8 of the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
<b>4.</b>	Subject to the urgency procedure contained in Rule 16 of the Access to Information Procedure Rules in Part 4 of this Constitution, making any Executive decisions about any matter in the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/not wholly in accordance with, the Budget.
<b>5.</b>	Electing and removing the Leader of the Council.
<b>6.</b>	Agreeing and/or amending the terms of reference for Committees, Sub Committees Groups and Panels, deciding on their composition and making appointments to them including appointment of Chairmen and Vice Chairmen but excluding the Chairman and Vice Chairman of Health Scrutiny Committee for Lincolnshire, the Health and Wellbeing Board and the Bourne Town Hall Trust Management Committee who will be appointed by that Committee or Board.
<b>7.</b>	Appointing representatives of the Council to outside bodies unless the appointment is an Executive function under this Part 3 of this Constitution or has been delegated by the Council.
<b>8.</b>	Appointing Special Interest Councillors.
<b>9.</b>	Adopting a Scheme of Members Allowances.
<b>10.</b>	Changing the name of the area.
<b>11.</b>	Confirming the appointment of the Head of Paid Service.
<b>12.</b>	Approving the dismissal of the Head of Paid Service, Section 151 Officer and Monitoring Officer.
<b>13.</b>	Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills in Parliament.

<b>14.</b>	Adopting or changing the Members' Code of Conduct, subject to advice from the Audit Committee.
<b>15.</b>	Appointing the Returning Officer for County Council elections.

<b>Function</b>	
<b>16.</b>	Submission of proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.
<b>17.</b>	Power to confer title of honorary alderman.
<b>18.</b>	Functions relating to sea fisheries.
<b>19.</b>	Power to make standing orders.
<b>20.</b>	Duty to make arrangements for proper administration of financial affairs, etc.
<b>21.</b>	Power to appoint Officers for particular purposes (appointment of "Proper Officers").
<b>22.</b>	Duty to designate Officer as the head of authority's paid service, Section 151 Officer, Monitoring Officer and to provide staff to them.
<b>23.</b>	Consideration of a Report from a Local Commissioner under Section 31 or a further Report under Section 31A of the Local Government Act 1974 and of actions taken or proposed to be taken in response where the findings contained in the Report relate to the functions of the full Council or the Report is otherwise referred to the full Council by the Monitoring Officer.
<b>24.</b>	All other matters which, by law, must be reserved to Council.

**TABLE 2**

**MATTERS WHICH ARE THE RESPONSIBILITY OF THE  
PLANNING AND REGULATION COMMITTEE**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>A. Functions relating to town and country planning and development control</b>	
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A [13] of the Town and Country Planning Act 1990.
4. Power to decline to determine applications for planning permission.	Section 70A of the Town and Country Planning Act 1990[14].
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)[15].
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Section 191(4) and 192(2) of the Town and Country Planning Act 1990[16].

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>10.</b> Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
<b>11.</b> Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
<b>12.</b> Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990[19].
<b>13.</b> Power to issue or withdraw an enforcement notice and to waive or relax any requirement of the notice.	Section 172 of the Town and Country Planning Act 1990[20].
<b>14.</b> Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990[21].
<b>15.</b> Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).
<b>16.</b> Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.
<b>17.</b> Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
<b>18.</b> Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
<b>19.</b> Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).
<b>20.</b> Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).

Function	Provision of Act or Statutory Instrument
<b>B. Licensing and registration functions (insofar as not covered by any other paragraph in this table)</b>	
1. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)[33].
2. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52)[34].
3. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
4. Power to enforce the various provisions of the Regulatory Reform (Fire Safety) Order 2005.	The Regulatory Reform (Fire Safety) Order 2005 (No. 1541).
5. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) act 1925 (c.38[39].
6. Power to licence the employment of children.	Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).
7. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)[41].
<p>8. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:</p> <p>(a) an exchange of lands effected by an order under Section 19(3) of, or Paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67); or</p> <p>(b) an order under Section 147 of the Inclosure Act 1845 (c. 8 &amp; 9 Vict. C 118).</p>	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
9. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)[42].
10. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).
11. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
12. Power to licence the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
13. Power to licence collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
14. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
15. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways act 1980 (c.66).
16. Power to licence planting, retention and maintenance of trees, etc, in part of highway.	Section 142 of the Highways act 1980.
17. Power to authorise erection of stiles, etc, on footpaths or bridleways.	Section 147 of the Highways Act 1980.
18. Power to licence works in relation to buildings, etc, which obstruct the highway.	Section 169 of the Highways Act 1980.
19. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
20. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways act 1980.
21. Power to restrict the placing of rails, beams, etc, over highways.	Section 178 of the Highways Act 1980.

Function	Provision of Act or Statutory Instrument
22. Power to consent to construction of cellars, etc, under streets.	Section 179 of the Highways Act 1980[44].
23. Power to consent to the making of openings into cellars, etc, under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
24. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).
<b>C. Miscellaneous functions</b>	
<i>Functions relating to public rights of way</i>	
1. Power to create footpath or bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980 (c.66).
2. Power to make an order to create footpath, bridleway or restricted byway.	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
4. Power to make an application to the Magistrates' court to authorise the stopping up or diversion of a highway.	Section 116 of the Highways Act 1980
5. Power to make an Order to extinguish footpaths, bridleways or restricted byways.	Section 118 of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways act 1980.
7. Power to make a special extinguishments order for the purposes of crime prevention.	Section 118B of the Highways Act 1980.
8. Power to make an Order to divert footpaths, bridleways or restricted byways.	Section 119 of the Highways Act 1980.
9. Power to make a rail crossing diversion order for the purposes of crime prevention.	Section 119A of the Highways Act 1980.

<b>10.</b>	Power to make a special diversion order.	Section 119B of the Highways Act 1980.
<b>11.</b>	Power to apply for an Order for an applicant to enter into an agreement to defray costs in relation to rail crossing diversion orders.	Section 119A(8) of the Highways Act 1980.
<b>12.</b>	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
<b>13.</b>	Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
<b>14.</b>	Power to apply for variation of order under Section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
<b>15.</b>	Power to remove items painted, inscribed or affixed to the surface of a tree, structure or works on or in the highway.	Section 132 of the Highways Act 1980.
<b>16.</b>	Duty to enforce provisions in relation to ploughing in connection with a footpath or bridleway.	Section 134(6) of the Highways Act 1980.
<b>17.</b>	Power to grant an extension to the relevant period in relation to ploughing in connection with a footpath or bridleway.	Section 134(8) of the Highways Act 1980.
<b>18.</b>	Power to authorise and make a Diversion Order allowing for the temporary disturbance of a footpath, bridleway or restricted byway.	Section 135 of the Highways Act 1980.
<b>19.</b>	Duty to enforce the provisions in relation to interference by crops.	Section 137A(5) of the Highways Act 1980.
<b>20.</b>	Power to remove structures from highways and to recover costs from the person having control or possession of the structure.	Section 143 of the Highways Act 1980.
<b>21.</b>	Power to enforce minimum widths for gates across highways.	Section 145 of the Highways Act 1980.

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>22.</b> Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
<b>23.</b> Power to require the removal of overhanging trees or shrubs.	Section 154 of the Highways Act 1980.
<b>24.</b> Power to require the removal of barbed wire.	Section 164 of the Highways Act 1980
<b>25.</b> Power to require information as to ownership of land.	Section 297 of the Highways Act 1980
<b>26.</b> Right to use appliances and vehicles on footpaths, bridleways and restricted byways.	Section 300 of the Highways Act 1980
<b>27.</b> Power to carry out works in relation to interference with highways.	Schedule 12A of the Highways Act 1980.
<b>28.</b> Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c.67).
<b>29.</b> Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c.69).
<b>30.</b> Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
<b>31.</b> Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
<b>32.</b> Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
<b>33.</b> Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c.38).
<b>34.</b> Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c.68).

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>
<b>35.</b> Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990.
<b>36.</b> Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
<b>37.</b> Temporary stopping up of footpaths and bridleways for mineral workings.	Section 261 of the Town and Country Planning Act 1990.
<b>38.</b> Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c.37).
<b>39.</b> Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
<b>40.</b> Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
<b>41.</b> Power to make bylaws as respects access to land.	Section 17 of the Countryside and Rights of Way Act 2000.
<b>42.</b> Power to erect and maintain notices as respects access to land.	Section 19 of the Countryside and Rights of Way Act 2000.
<b>43.</b> Power to apply to the court for an Order to remove an obstruction to access.	Section 39 of the Countryside and Rights of Way Act 2000.
<b>44.</b> Power to make observations and lodge formal objections to District Councils in respect of Public Path Orders proposed to be made by them.	Sections 26, 118, 119 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990.

**The above functions cannot be exercised by the Executive**

**The above is subject to the delegation of specific powers to the Chief Executive and Chief Officers. Those with delegated powers may always refer the matter back to the Committee if considered appropriate**

**TABLE 3**

**MATTERS WHICH ARE THE RESPONSIBILITY OF VARIOUS COMMITTEES TO DISCHARGE**

<b>1.</b>	Functions relating to Local Government pensions etc (except for pensions benefits).	<i>Pensions Committee</i>
<b>2.</b>	The determination of an appeal against a decision made by or on behalf of the authority.	<i>Appeals Panel</i>
<b>3.</b>	The conducting of service reviews in accordance with identified Scrutiny Work Programmes.	<i>Overview and Scrutiny Committees</i>
<b>4.</b>	Functions relating to health and wellbeing as set out in the Health and Social Care Act 2012.	<i>Health and Wellbeing Board</i>

**The above is subject to the delegation of specific powers to the Chief Executive and Chief Officers. Those with delegated powers may always refer the matter back to the Committee if considered appropriate.**

**TABLE 4**

**COUNTY COUNCIL FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE EXECUTIVE**

- (i) The Executive will be responsible for the implementation of decisions within the policy framework set by the Council in relation to all of the Council's functions which are not the responsibility of any other part of the Council whether by law or under this Constitution.
- (ii) Decisions will be taken in accordance with the Executive Procedure Rules.
- (iii) Executive Councillors are permitted to commission work from officers on policy initiatives.
- (iv) Without prejudice to the generality of the foregoing the Executive shall be responsible for the exercise of the following specific functions

<b>Function</b>	
<b>1.</b>	Any function under a local Act other than a function specified elsewhere in this Part 3.
<b>2.</b>	The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (appeals against exclusion of pupils).
<b>3.</b>	The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).
<b>4.</b>	The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom Section 87 applies: appeals by governing bodies).
<b>5.</b>	The making of appointments to the Joint Appointments Committee under Paragraphs 2 to 4 (appointment of Members by relevant Councils) of Schedule 2 (Police Authorities established under Section 3) to the Police Act 1996.
<b>6.</b>	Any function relating to contaminated land.

<b>Function</b>	
<b>7.</b>	The discharge of any function relating to the control of pollution or the management of air quality.
<b>8.</b>	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
<b>9.</b>	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
<b>10.</b>	The making of agreements for the execution of highways works.
<b>11.</b>	The appointment of any individual: <ul style="list-style-type: none"> <li>(a) to any office other than an office in which he is employed by the authority;</li> <li>(b) to any body other than – <ul style="list-style-type: none"> <li>(i) the authority;</li> <li>(ii) a joint Committee of two or more authorities;</li> <li>(iii) a politically balanced body; or</li> </ul> </li> <li>(c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.</li> </ul>
<b>12.</b>	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.
<b>13.</b>	Consideration of a Report from a Local Commissioner under Section 31 or a further Report under Section 31A of the Local Government Act 1974 and of actions taken or proposed to be taken in response where the findings contained in the Report relate to the functions of the Executive.

The above is subject to the delegation of specific powers to the Chief Executive and Chief Officers. Those with delegated powers may always refer the matter back to the Executive if considered appropriate.

## DELEGATIONS TO HEAD OF PAID SERVICE AND ALL CHIEF OFFICERS

### **A General**

- 1 The Chief Officers referred to in this section are those set out in Article 9 of the Constitution.
- 2 The Head of Paid Service and all Chief Officers have the general powers set out in section B (General Powers of the Head of Paid Service and All Chief Officers).
- 3 Chief Officers are authorised to carry out the specific functions of the Council delegated to them in Section C below (Specific Powers of the Head of Paid Service, Chief Officers and Other Officers).
- 4 In addition to the general and specific powers referred to in this Part 3 Chief Officers may also be delegated authority to exercise Executive functions by the Leader of the Council, the Executive, a Committee of the Executive or an individual Executive Councillor pursuant to the Executive Procedure Rules in Part 4 of this Constitution.
- 5 All Chief Officers must exercise both their general and specific powers and authority delegated under the Executive Procedure Rules in accordance with the Conditions set out in Section D below (Conditions applying to all Chief Officer Powers).
- 6 Section C also contains specific delegations to officers who are not Chief Officers to aid the efficient and effective discharge of the Council functions. The conditions in Section D below apply to the exercise of such delegated powers.

### **B General Powers of the Head of Paid Service and all Chief Officers**

1. Subject to the powers of the Appointments Committee, to undertake the day-to-day management and control of their Directorate/Office, the functions administered by their Directorate/Office and the services for which they are responsible including:
  - (a) the appointment, discipline, termination and management of employees;
  - (b) the management, furnishing and equipping of premises for which they are responsible; and
  - (c) taking and implementing decisions including, in particular, any decision which is concerned with maintaining the operation or effectiveness of those services or with a matter incidental to the discharge of the

Council's functions or which falls within the scope of a policy decision taken by the Executive or the Council's policy framework

This general power is in addition to any specific powers which may be given to them.

2. In connection with the functions administered by their Directorate/Office,
  - 2.1 In pursuance of section 222 of the Local Government Act 1972:
    - (a) to prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, to institute them in the name of the Council; and
    - (b) in the name of the Council to make representations in the interests of the inhabitants at any public inquiry, local inquiry or written representation procedure or hearing held by or on behalf of any Minister or public body under any enactment.
  - 2.2. to exercise the Council's statutory powers to enter upon land and premises for the purposes of inspection, survey, carrying out of any works, investigation of any matter, the taking of samples or for any other purpose for which the Council are so authorised, and to give such notices as may be required in relation thereto.
  - 2.3. to fix fees for services and the use of premises for which fees have not otherwise been fixed.
  - 2.4. to give or refuse consents, issue determinations, apply for permissions, make orders and grant, rescind or refuse all licences, certificates, permits and registrations under any legislation
  - 2.5 to approve redundancies and early retirements in consultation with the Executive Councillor.
  - 2.6 to obtain particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
  - 2.7 to make arrangements for the provisions of supplies and services by and for other local authorities and public bodies (as defined) under the Local Authorities (Goods and Services) Act 1970 or other enabling legislation.
  - 2.8 to issue, serve, receive and act upon notices, and to impose requirements under any legislation.
  - 2.9 to declare land and premises surplus to requirements, after consultation with appropriate Executive Councillor(s) and local Councillor(s).

- 2.10 to accept tenders, place contracts and procure other resources or services within or outside the Council subject to compliance with the Financial Regulations and Contract Regulations
  - 2.11 exercise virement within the financial limits contained in the Financial Regulations
  - 2.12 to sign on behalf of the Council any document to give effect to any decision made by the Council
  - 2.13 to make a formal response on behalf of the County Council to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive after reference first to the relevant Executive Councillor, or the Leader of the Council or the Chairman of the Regulatory Committee concerned.
- 3 Nothing contained in paragraphs 1 or 2 shall affect or detract from the exercise by a Chief Officer of any function conferred directly on the Chief Officer by any provision of this Constitution.
  4. All Chief Officers may authorise in writing any other named Officer or Officers of the Council, either generally or specifically for the purpose, to exercise any or all of the powers authorised to be exercised by them, except for this power. Chief Officers must prepare in writing a scheme authorising any other officers to exercise such powers. Chief Officers shall remain accountable for any action or decisions taken under such authority.
  - 5 In the event of a Chief Officer post being vacant then subject to any arrangements provided for in any scheme of delegation prepared by a Chief Officer under paragraph 3 above that Chief Officer's delegated powers may be exercised by the relevant Assistant Directors within that Directorate so far as permitted by law.

## **C SPECIFIC POWERS OF THE HEAD OF PAID SERVICE, CHIEF OFFICERS AND OTHER OFFICERS**

### **HEAD OF PAID SERVICE**

#### **General**

1. To act as the Head of Paid Service in pursuance of the Local Government and Housing Act 1989. To have overall Corporate Management and operational responsibility (including overall management responsibility for all staff).
2. To grant or refuse permission for the display of the Coat of Arms and/or badge of the County.
3. To fix fees for copies of documents and extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985 and Freedom of Information Act 2000.
4. To exercise the functions of the Council under charities legislation.
5. To appoint Councillors to Committees and Panels and Sub-Committees and Sub-Panels in accordance with the wishes of Group Leaders, Deputy Group Leaders and Group Whips in accordance with Rule 5 of the Council Procedure Rules in Part 4 of this Constitution and the duty arising under Section 16 of the Local Government and Housing Act 1989.
6. To progress the strategic development of the Council.
7. On appointment, to undertake all the functions of the Returning Officer.
8. To undertake appropriate and necessary action when vacancy in office occurs.

#### **Communications**

1. To provide corporate communications functions.

#### **Community Engagement**

1. To promote community engagement and development.

### **EXECUTIVE DIRECTOR - RESOURCES**

1. To undertake all money market transactions associated with the cash flow functions of the Council including the raising and repayment of all loans within the limits determined by the Council from time to time.
2. To authorise the payment of statutory pensions and allowances, gratuities and compensation.
3. To make ex-gratia payments for loss or damage to property and to settle claims where there is no legal liability up to the authorised limit of £1,000.
4. To pay national pay awards.
5. To effect appropriate insurance cover in respect of Members and Officers of

the Council appointed in an official capacity to represent the interests of the Council on the Boards of Limited Companies.
6. To make loans and advances to outside bodies in accordance with the policies and limits determined by the Council. Details of current policies are shown in Annex A.
7. To undertake or arrange for all necessary transactions associated with the management of the assets of the Pension Fund.
8. To take decisions in exercise of the Council's functions as Scheme Manager for the Firefighter's Pension Schemes.
9. Subject to subsequent report to the Overview and Scrutiny Management Board, to authorise an increase in the target area budget of that Committee to fund any shortfall in expenditure necessary towards the realisation of a capital receipt and which cannot be capitalised.
10. To determine a current maximum annual rental for contract hire cars under the modified contract hire car scheme for the Chief Executive, Executive Directors, Director, Heads of Function and other qualifying Officers of the Council.
11. To act as Chief Finance Officer in pursuance of the Local Government Finance Act 1988.
12. To agree appropriate means of securing external representation on the Pension Committee, in consultation with relevant external bodies.
13. To maintain an adequate and effective internal audit service.
14. To effect all insurance cover in respect of County Council activities and responsibilities, including making appropriate arrangements for the investigation and settlement of claims.
15. To approve allocations from the corporate contingency revenue budget in consultation with the Executive Councillor with responsibility for finance and any other appropriate Executive Councillors.
16. To arrange appropriate banking and related services on behalf of the Council including opening and closing bank accounts.
17. To exercise the function of the Council in relation to the use of badges for display on disabled persons' motor vehicles.
<b>Human Resources</b>
1. To be responsible for Human Resources and Organisational Development.
<b>Democratic Services</b>
1. To manage support for the Leader and Chairman's Office.
2. To operate Members' Allowances in line with the resolution of the County Council on this matter.
<b>Information Governance</b>
1. To ensure arrangements are in place across the Council for the effective and secure management of data in accordance with the Council's Data Protection obligations.
<b>Complaints</b>
1. To act as the complaints manager under Regulation 22 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 and to make arrangements for dealing with complaints under Regulation 21 of the said Regulations)

<b>Property</b>
1. In connection with the estate management of the County Council's land and premises, in consultation with the local Councillor:
(i) to acquire land and premises;
(ii) to dispose of land and premises surplus to requirement;
(iii) to dispose of surplus County Farms land and property surplus to requirements subject to discount, in accordance with the County Farms Management Plan and policies approved by the Executive and following consultation with the appropriate Executive Councillor;
(iv) to accept and grant leases of land and premises and such other rights over land and premises as may be deemed necessary or appropriate;
(v) to manage and let County Farms holdings as may be deemed necessary or appropriate in accordance with the Management Plan approved by the Executive following consultation with the appropriate Overview and Scrutiny Committee or Panel and (except in cases where the Council's seal must be affixed thereto) to sign agreements to give effect to such acquisitions, disposals, acceptances, grants or lettings, provided that the form of any such agreement has been approved by the Solicitor(s) to the Council.
2. To seek permission for any development referred to in regulation 3 of the Town and Country Planning General Regulations 1992.
3. To determine and serve notices under the terms of any agreement for the use of land or premises.
1. To undertake the role of Travellers Liaison Officer in consultation with other Directorates in matters of illegal camping and site provision.
<b>Information Management and Technology</b>
1. To develop the Corporate IT Policy including digital channel shift and provide general advice thereon.
2. To operate and deliver IT infrastructure, services, systems and software.
3. To undertake a research function on behalf of Lincolnshire County Council and provide information and analysis of the census.
<b>Commercial</b>
1. To develop the Council's corporate business plan.
2. To advise the Council on its Equality and Diversity obligations.
3. To manage and develop the Council's Strategic contract with Serco.
4. To deliver the Council's corporate procurement function including the shared service with the Districts.
5. Provide commercial advice and support to Commissioners.

## ANNEX A

<b>LOANS AND ADVANCES TO OUTSIDE BODIES</b>
In the event that an organisation from outside the County Council seeks temporary funding from the Council which is repayable to the Council and is for a short period of time, the following rules apply:
1. Where:
(i) the need for the money is related to an established County Council Policy or initiative; and
(ii) the money is expected to be recovered within a 6 month period;
then:
(a) Where the money is less than £20,000 Executive Director - Resources shall have the power to approve such cases;
(b) Where the money lent is greater than £20,000 but less than £50,000, the Executive Director - Resources shall have the power to approve such cases but shall report such instances in writing to the Executive Councillor responsible for finance.
(c) Where the money lent is £50,000 or more, then the Executive Director - Resources shall consult with the appropriate Executive Councillors before approving and shall report the arrangements made to the first available meeting of the Overview and Scrutiny Management Board.
2. In all cases it is expected that interest at appropriate market rates would be charged. There may, however, be instances where an interest charge would be inappropriate. In that case the Executive Director - Resources be given the power to waive the interest element where in his opinion it would be inappropriate. Where the interest involved is significant (over £10,000) then such waiver would be after consultation with the appropriate Executive Councillor responsible for finance.

## EXECUTIVE DIRECTOR - CHILDREN'S SERVICES

### Education

1. To make grants within a framework approved by the Council including:
  - (a) for the establishment, maintenance, staffing or equipment of youth clubs and groups;
  - (b) to support the provision made by voluntary and other organisations where there are educational benefits to the people of Lincolnshire;
2. To make, suspend and reinstate grants and pay tuition or ancillary fees and/or grants to, or in respect of:
  - (a) students attending establishments of higher or further education or taking other approved courses of education and/or training and to authorise transfer between courses;
  - (b) pupils attending boarding schools and independent or direct grant schools and schools not maintained or assisted by the County Council;
  - (c) maintenance, uniform or free school meals;
  - (d) other young people of particular merit.
3. To authorise the attendance of pupils and teachers on courses or activities outside of school.
4. To discharge the statutory duties of the County Council as schools admission authority and to arrange for the admission and allocation of pupils to schools and in the case of grant-maintained schools to direct the admission of a pupil to such schools.
5. To exercise the functions of the Council in relation to home to school and college transport, school attendance, the employment of children and young persons, cleanliness of pupils and the ascertainment of need and provision for special educational treatment.
6. To appoint lay Members and Local Authority Members to School Admission Appeal Committees, under Section 43 and Schedule 33 of the Education Act 1996.
7. To approve, in circumstances which the Executive Director considers to be exceptional, any change to the admission policy of County and Controlled schools, excluding any change which would constitute a change in character of the school.
8. To make all necessary arrangements to implement the approved Scheme for the Local Management of Schools.
9. To make minor alterations to the "designated areas" associated with County primary and secondary schools.
10. To make all appropriate arrangements to secure the assessment of any pupil's special educational needs as may be required under the terms of the Education Acts.
11. In relation to schools identified as "needing special measures" consequent upon OFSTED inspections to submit to the Secretary of State and HM Chief Inspector, the comments of the County Council as the local education authority on governors' action plans together with a statement of action which the County Council intends to take.

12. Following consultation with the relevant Committee, to issue warning notices under the School Standards and Framework Act 1998, and to appoint such additional governors as seen fit following a governing body's failure to comply with the terms of the notice issued by the Authority.
13. To set the yearly indicative targets for permanent exclusions and unauthorised absence from schools for Lincolnshire, to be included in the Education Development Plan.
14. To take and implement decisions and to exercise statutory powers relating to the health and welfare or school attendance of individual children, and to take all steps in any related statutory process.
<b>Services for Children in Need</b>
1. To exercise the functions of the Council in relation to:
(a) adoption and fostering
(b) admission to all forms of accommodation including secure accommodation;
(c) promotion of the welfare, protection, supervision, care and after care of children and young persons;
(d) Children in need.
2. To act as guarantor in the matter of hire purchase agreements on behalf of children in care.
3. To make grants or incur expenditure:
(a) to prevent or diminish the need to bring children into care or to keep them in care;
(b) in respect of rent and damage guarantees;
(c) to provide any child or young person in care with such equipment considered necessary for their well-being;
(d) in respect of any child or young person in care participating in a holiday either through a school or with foster parents;
(e) in respect of special clothing grants to children in care;
(f) in respect of extra grants to children for special purposes;
(g) in respect of payments to children formerly in care;
(h) in respect of adoption allowances;
(i) in respect of playgroups (Capital and Revenue);
(j) in respect of children in need.
4. To pay enhanced boarding out allowances in exceptional circumstances.
5. To take decisions in respect of the Council's functions acting as Accountable Body in connection with Sure Start.
6. To take decisions in the exercise of the power to licence the employment of children.
7. To approve variations of fees so far as they have been agreed by the "Examining Authority" and for which the Council have accepted responsibility for children, young persons or adults attending or residing in establishments not maintained or assisted by the Council and to approve alterations in charges for the maintenance of such residents.
8. To authorise payment for maintenance of people for whom the Council is financially responsible in homes provided by other local authorities and bodies.
9. To approve, following consultation with the appropriate Executive Councillor, the appointment of replacement visiting members of Social Services

establishments.
10. To approve agreements and contracts with or grants to voluntary organisations in undertaking the functions of Children's Social Services and the services for which the Director is responsible.
<b>Youth Offending</b>
1. To exercise the functions of the County Council in relation to the Youth Offending Service.

## **EXECUTIVE DIRECTOR - ADULT CARE AND COMMUNITY WELLBEING**

### **Services for Adults and Older People**

1. To accept Guardianship applications under Section 8 of the Mental Health Act 1983
2. To consent under Section 8(4) of the Mental Health Act 1983 to any amendment of any Guardianship application which has been accepted or any medical recommendation.
3. To designate Approved Social Workers as Officers for the purposes of the Mental Health Act 1983.
4. To maintain registers of sensory impaired and disabled persons.
5. To approve the disposal of assets belonging to deceased residents to persons entitled to them after payment of proper claims on account of funeral expenses and sums due to the Council.
6. To incur expenditure either directly or via provision of
(a) equipment to persons permanently and substantially disabled;
(b) for special purposes, e.g. recreational, educational and social facilities;
(c) of adaptations to property occupied by persons permanently and substantially disabled.
7. To approve augmentation for a person on a Blind Homeworker Scheme.
8. To authorise the admissions and payment of purchases of all forms of residential, day and domiciliary care.
9. To approve variations of fees so far as they have been agreed by the "Examining Authority" and for which the Council have accepted responsibility for children, young persons or adults attending or residing in establishments not maintained or assisted by the Council and to approve alterations in charges for the maintenance of such residents.
10. To authorise payment for maintenance of people for whom the Council is financially responsible in homes provided by other local authorities and bodies.
11. To approve expenditure incurred in the protection of movable property or persons and to recover such expenditure where applicable.
12. To make assessment of contributions by persons provided with services and to approve variation of assessed charges to avoid hardship.
13. To add additional persons to the list of Independent Chairmen of the Complaints Review Panel established under the National Health Service and Community Care Act 1990.
14. To approve, following consultation with the appropriate Executive Councillor, the appointment of replacement visiting members of Social Services

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establishments.
15. To approve agreements and contracts with or grants to voluntary organisations in undertaking the functions of Social Services Directorate and the services for which the Director is responsible.
16. To authorise under the provisions of the Human Tissue Act 1961 (where the Council is in lawful possession of the body) the removal of parts of the body of a deceased resident in accordance with the wish expressed by the resident during his/her lifetime.
17. To exercise the functions of the Council in relation to adult safeguarding and in particular to
(i) Maintain a clear organisational and operational focus on safeguarding vulnerable adults
(ii) Ensure that relevant statutory requirements and other national standards are met
(iii) Encourage a culture of vigilance against the possibility of adult abuse
(iv) Ensure all services within the remit of the post remain focused appropriately on safeguarding adults; and
(v) Promote equality of opportunity and eliminate discrimination in respect of adult care services
<b>Services in relation to Community Wellbeing</b>
1. To support delivery of strategic and supported housing.
2. To promote general health and wellbeing.
3. To exercise the functions of the County Council in relation to the Drug and Alcohol Action Team.
4. To contribute to the development of the Joint Strategic Needs Assessment.
5. To administer the Health and Wellbeing Fund.
6. To facilitate the Health and Wellbeing Board.
<b>Director of Public Health</b>
1. To act as Director of Public Health in accordance with Section 73A of the National Health Services Act 2006 and to carry out the functions as set out in that section and Regulations thereunder.
2. To produce the Annual Health Report.
3. To carry out and publish health needs and health impact assessments.
<b>Crime and Disorder</b>
1. To lead the County Councils efforts to fulfil its obligations and duties under Sections 5 and 6 of the Crime and Disorder Act 1998 (as amended and extended by Schedule 9 of the Police and Justice Act 2006) by actively engaging as a County Council at all levels in the Community Safety Partnerships of Lincolnshire.
2. To establish and lead the county-wide Community Safety Board. To develop and implement the County Community Safety Agreement encompassing the priorities for Lincolnshire, as required by the Police and Justice Act 2006.
3. To lead the County Council's efforts to embed the principles of Section 17 of the Crime and Disorder Act 1998 in every aspect of policy development, budget setting and service delivery in line with the statutory duty that the Act imposes.

4. To drive the County Council's commitment to sharing information with partners as allowed by Section 115 of the Crime and Disorder Act 1998.
<b>Safer Communities Service – Trading Standards</b>
1. Without prejudice to General Powers, to exercise the functions and duties of the Council as local weights and measures authority, food authority, in connection with legislation relating to standards of trade in the county and for the purposes of the enforcement of animal health and welfare legislation, community safety legislation and licensing functions as part of which, for the correct discharge of these functions, the following direct delegations are made.
<b>Head of Safer Communities</b>
1. To institute/and or appear on behalf of the County Council in any legal proceedings including any preliminary or ancillary applications in the relevant Court or tribunal for the prosecution of offences or institution of civil action and the criminal or civil enforcement and administration of legislation relevant to standards of trade, community safety, food and animal health and welfare, licensing or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and which the County has either a statutory duty or power to enforce or considers it expedient to enforce for the promotion or protection of the inhabitants of the county by virtue of Section 222 of the Local Government Act 1972.
2. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 or any subsequent related or replacement legislation before the Criminal Courts and to enter into memoranda of understanding with the Police Authority Financial Investigation Units for the purpose of taking such proceedings.
3. Responsibility to ensure that the duties associated with Section 72(1) (a) of the Weights and Measures Act 1985 is discharged within the service.
4. To issue notices with the effect of requiring the marking of, requiring warnings to be issued in respect of, suspending the supply of, requiring the withdrawal from the market of and requiring the recall from the market of products as provided for under legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.
5. To act as Inspector/authorised officer or other enforcing officer role as provided in, and to inspect enter and investigate for the purposes of enforcement of, legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and to authorise in writing officers to act in these capacities.
6. To appoint public analysts and agricultural analysts for the County Council for the purposes of the Food Act 1984, the Food Safety Act 1990 and the Agriculture Act 1970 or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.
7. To nominate in writing Officers for the purposes of enforcing the Food and Environment Protection Act 1985.

8. To enter into appropriate arrangements with other enforcement authorities for the purpose of the enforcement of any legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food, animal health and welfare and licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.
9. To appoint suitable persons under the Health and Safety at Work etc Act 1974 for the purposes of enforcing the Explosives Acts 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments.
10. To initiate appeals against the decisions of the relevant Court where, in the Head of Safer Communities professional opinion, it is proper so to do.
11. To initiate and co-ordinate all activities necessary for the Council to discharge its responsibilities under the Animal Health Act 1981 in order to prevent, control or deal with an outbreak of rabies or other animal disease in the county.
12. To conduct hearings and to give assent or otherwise under the Explosives Act 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments in relations to applications for the establishment of new factories or magazines.
13. To discharge the functions of the County Council as a responsible authority under the licensing Act 2003 or any subsequent related or replacement legislation and to appoint other officers of the authority to do so.
<b>Service Manager – Safer Communities</b>
In the absence of the Head of Safer Communities, the Service Managers - Safer Communities are authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2, 4, 7, 8, 9, 11, 12 and 13 above.
<b>Duly Appointed Officers</b>
At all times the duly appointed Officers of the service are, for the purpose of enforcing the relevant legislation, authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2 and 4 above after having, in each case, obtained the permission of the Head of Safer Communities, or, in their absence, a Service Manager – Safer Communities.
<b>Registration and Celebratory Services</b>
1. In respect of the Registration Service:
(a) to approve payments to Registrars, Deputy Registrars of Births, Deaths and Marriages in circumstances justifying payments in excess of the normal allowances to registrars for their services;
(b) to arrange for premises to be leased for the use of Registrars of Births, Deaths and marriages at rents approved by the Chief Property Officer;
(c) to issue a licence for the approval of premises for the solemnisation of marriages under the marriage Act 1994 and civil partnerships under Civil Partnership Act 2004;
(d) to issue certificates and arrange citizenship ceremonies under British Nationality Act 1981.
2. To undertake the statutory role of "Proper Officer", ensuring that Registration

of Births, Deaths and marriages service is provided in Lincolnshire, including the licensing of approved premises for the solemnisation of marriages, civil partnerships and citizenship ceremonies.

#### **Civil Protection**

1. To implement any legislation pertinent to Emergency Planning.

### **EXECUTIVE DIRECTOR – PLACE**

#### **Highways, Construction and Maintenance**

1. To act as Engineer in Civil Engineering Contracts where the County Council, Highways Agency, or Lincolnshire's Partners are the Employer.
2. To take the role of Employer in Civil Engineering Contracts where the County Council is the employer in respect of:
  - (i) deduction of liquidated damages;
  - (ii) other matters within the limits imposed by the Financial Regulations.
3. To accept appointments to prepare and supervise civil engineering works on behalf of the Highways Agency and other public bodies, private individuals, firms and other bodies.
4. To provide and maintain cattle grids, fences, boundary posts and road footway lighting systems.
5. To carry out minor maintenance activities under the Highways Act 1980 and the Countryside Act 1968 and make decisions on related payments, land exchanges, gifts, rents, speed regulations and similar accommodations.
6. To determine, after consultation with the local Councillor and Chairman and Vice-Chairman of the Planning and Regulation Committee, applications for pedestrian crossings falling within defined criteria.
7. To object to other authorities' formal traffic proposals where they adversely affect highways in Lincolnshire.
8. To convert lengths of footway into combined footway and cycle tracks, subject to no objections being received.
9. To make changes to the Road Hierarchy.
10. To submit proposals for road classification, re-classification or re-numbering, to the Government Office for the East Midlands.
11. To incur capital expenditure on highway improvement and maintenance schemes subject to:
  - (i) a maximum scheme cost of £100,000, additional expenditure to be contained within the approved total Highways Capital Programme;
  - (ii) prior consultation with the Executive Director - Resources and the appropriate Executive Councillor.
12. In connection with the New Roads and Street Works Act 1991 and any other relevant enabling legislation:
  - (i) to approve the declaration of an existing highway to be a new street;
  - (ii) to settle payments to be made by owners of new buildings in respect of street works;
  - (iii) to make up, vary the width of and adopt after the execution of street works.
13. Following consultation as appropriate, to designate County roads as

protected Streets and/or Streets with Special Engineering Difficulty under the New Roads and Street Works Act 1991, and to withdraw such designations as appropriate.
14. To agree with, and for exercise by, the Secretary of State certain functions of the Council in respect of highways affected by the construction, etc, of a trunk road.
15. To comment to the Highways Agency on their proposed Orders, except where formal objection is to be made.
16. Following consultation with the appropriate Executive Councillor, to determine future percentage rates and/or thresholds at which the development road fee could be reduced for certain developments.
17. To carry out the statutory requirements acting on behalf of Lincolnshire County Council as the Enforcement Authority for all aspects of Civil Parking Enforcement and appeals processes as specified in the Traffic Management Act 2004 part 6, the Road Traffic and Regulation Act 1984, the Road Traffic Act 1991, Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
<b>Management of Highways</b>
18. To advertise proposals for Road Traffic Regulation Orders and to pursue and progress proposals for the stopping-up of highways which are in accordance with Council policy and which, at preliminary consultation stage, are supported by the Chief Constable and the relevant local Council, and to confirm orders to which no objections are received.
19. To advertise and consult concurrently on all Traffic Regulation Order proposals other than those relating to speed limits.
20. Following consultation with the appropriate Executive Councillor, to proceed to public advertising and consultation of speed limit proposals where the Executive Director considers that appropriate.
21. To make representations to the Highways Agency on draft orders for the stopping-up or diversions of Highways to enable development to be carried out in accordance with planning permission.
22. Under any legislation relating to the functions administered by the Executive Director - Resources
(i) to serve or display notices;
(ii) to grant or refuse consents, approvals, licences, authorisations and permissions;
(iii) to impose requirements;
(iv) to exercise any powers preliminary to or subsequent upon (i) to (iii).
23. Powers under 22(ii) in respect of the siting of tables and chairs on highways and in pedestrian areas within the highway, are subject to the Planning and Regulation Committee considering adverse comments and objections.
24. To make temporary orders regulating traffic and diverting highways.
25. To assert and protect the rights of the public on highways including the removal of anything that represents an obstruction, nuisance, danger or interference to any highway.
26. To make observations and lodge formal objections to District Councils in respect of Public Path Orders proposed to be made by them under sections

26, 118 and 119 of the Highways Act 1980 or section 257 of the Town and Country Planning Act 1990.
27. To make and to authorise the making of Orders under the following statutory provisions:
(i) Highways Act 1980, Section 25 (creation of footpaths, bridleways and restricted byways by agreement).
(ii) Highways Act 1980, Section 26 (creation of footpaths, bridleways and restricted byways by order).
(iii) Highways Act 1980, Section 118 (extinguishment of footpaths and bridleways and restricted byways).
(iv) Highways Act 1980, Section 118A (power to make a rail crossing extinguishment order).
(v) Highways Act 1980, Section 118B (power to make special extinguishment orders).
(vi) Highways Act 1980, Section 119 (diversion of footpaths and bridleways).
(vii) Highways Act 1980, Section 119A (power to make a rail crossing diversion order).
(viii) Highways Act 1980, Section 119B (power to make special diversion order).
(ix) Highways Act 1980, Section 135 (power to authorise and make a Diversion Order allowing for the temporary disturbance of a footpath, bridleway or restricted byway).
(x) Highways Act 1980, Section 132 (power to remove items painted, inscribed or affixed to the surface of or tree structure or works on or in the highway).
(xi) Highways Act 1980, Section 134(6) (power to enforce provisions regarding inter alia ploughing).
(xii) Highways Act 1980, Section 134(8) (power to grant an extension).
(xiii) Highways Act 1980, Section 137A (power to enforce the provisions in relation to interference by crops).
(xiv) Highways Act 1980, Section 143 (power to remove structures from highways and to recover costs from the person having control or possession of the structure).
(xv) Highways Act 1980, Section 145 (power to enforce minimum widths for gates across highways).
(xvi) Highways Act 1980, Section 154 (power to require removal of overhanging trees or shrubs).
(xvii) Highways Act 1980, Section 164 (power to require removal of barbed wire).
(xviii) Highways Act 1980, Section 297 (power to require information as to ownership of land).
(xix) Highways Act 1980, Section 300 (right to use appliances and vehicles on footpaths, bridleways and restricted byways).
(xx) Highways Act 1980, Schedule 12A (power to carry out works in relation to interference with highways).
(xxi) Cycle Tracks Act 1984, Section 3 (power to designate footpath as cycle path).
(xxii) Housing Act 1981, Section 294 (power to extinguish public right of way)

over land acquired for clearance).
(xxiii) Countryside and Rights of Way Act 2000, Section 35 (power to enter into agreements with respect to means of access).
(xxiv) Countryside and Rights of Way Act 2000, Section 37 (power to provide access in absence of agreement).
(xxv) Wildlife and Countryside Act 1981, Section 57A (power to prepare map and statement by way of consolidation of Definitive Map and Statement).
(xxvi) Town and Country Planning Act 1990, Section 257 (stopping up and diversion of footpaths and bridleways).
(xxvii) Town and Country Planning Act 1980, Section 258 (power to extinguish public rights of way over land held for planning purposes).
(xxviii) Town and Country Planning Act 1990, Section 261 (temporary stopping up of footpaths and bridleways for mineral workings), and, where appropriate, in the event of no objections being made or any objections made being withdrawn, to confirm the same.
28. To enter into agreements in respect of permissive (or concessionary) paths.
29. To take prosecution action under National Parks and Access to the Countryside Act 1949, Section 57 and to serve notices, to take appropriate default action and/or prosecution action and reclaim full costs under the Highways Act 1980 as amended.
30. Power to act in accordance with any court order made under Section 130B of the Highways Act 1980 including any application to the Court to vary or appeal any order made.
31. To make and authorise the making of Modification Orders to keep the Definitive Map and Statement up-to-date in respect of changes resulting from the events specified in sections 53 and 54 of the Wildlife and Countryside Act 1981 and to determine the relevant date for such Orders pursuant to Section 56(3) of the 1982 Act and in the event of no objections being made or objections being made and being withdrawn, to confirm the same. On the receipt of an objection to submit the Order to the Secretary of State.
32. To make and, where appropriate, waive charges in respect of Public Path Orders.
33. Power to make an application to the Magistrates' Court to authorise the stopping up or diversion of a highway under Section 116 of the Highways Act 1980.
34. For the purpose of assessing priority for Public Rights of Way maintenance, to set, upgrade and downgrade Public Rights of Way within priorities determined.
35. To nominate members of the public to carry out site inspections in relation to non-statutory stages in the implementation of the Highways Act 1980 as amended and the Wildlife and Countryside Act 1981.
36. Power to make byelaws as respects access to land under Countryside and Rights of Way Act 2000, Section 17.
37. Power to appoint wardens as respects access to land under the Countryside and Rights of Way Act 2000, Section 18.
38. Power to erect and maintain notices as respects access to land under the Countryside and Rights of Way Act 2000, Section 19.
39. Power to apply to the Magistrates' Court for an Order to remove an

obstruction to access under the Countryside and Rights of Way Act 2000, Section 39.
40. Duty to establish Local Access Forum including power to establish new forums withdraw from joint forums and merge forums and to publish annual Local Access Forum Report under the Countryside and Rights of Way Act 2000, Section 94 and statutory regulations.
41. To act as Traffic Manager as referred to in the Traffic Management Act 2004 generally through authorisation to the Assistant Director Highways.
<b>Spatial Planning, Conservation and Environment</b>
1. To make grants towards landscape schemes.
2. To maintain the Historic Environment Record.
3. To take the appropriate action in respect of certain functions of the County Council as local planning authority (after consultation with the Chairmen of the appropriate Committees where considered necessary), those functions being:
<ul style="list-style-type: none"> <li>• Tree Preservations Orders and Trees in Conservation Areas;</li> <li>• Forestry Commission Matters;</li> <li>• Regulation 3 of the Town and Country Planning General Regulations 1992;</li> <li>• Plan Briefs and Similar Documents;</li> <li>• Certificate of Lawfulness of Existing Use or Development (CLEUD) (Planning and Compensation Act 1991 (S.191));</li> <li>• Certificate of Lawfulness and Proposed Use or Development (CLOPUD) (Planning and Compensation Act 1991 (S.192));</li> <li>• Planning applications affecting the interests of the County.</li> </ul>
4. To initiate appropriate enforcement action in respect of development carried out without the grant of planning permission or in breach of a condition of planning permission. Also, to take such actions as may be considered appropriate including, if necessary, the issue of enforcement and/or stop-notices under the Town and Country Planning Act 1990 as amended by Planning and Compulsory Purchase Act 2004.
5. To approve matters reserved by a condition of any planning permission in respect of County Council, waste or minerals development.
6. To issue any Direction pursuant to any requirement under Article 7 of the Town and Country Planning (General Permitted Development) Order 1995.
7. To issue any Opinion or Direction pursuant to the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1999.
8. To issue Certificates of Conformity/Non-Conformity in respect of local plans under Section 46 of the Town and Country Planning Act 1990.
9. To prescribe improvement building frontage and sight lines.
10. To make grants in respect of Historic Buildings and premises included in Enhancement Schemes.
11. To make observations and recommendations on behalf of the Council as highway authority in reply to consultation by district planning authorities on planning applications of the description in paragraphs (f), (g) and (h) of the table to article 18(1) of the Town and Country Planning General Development Order 1988.
12. To enter into agreements under section 278 of the Highways Act 1980

relative to highway improvement works provided the costs of the works are secured by the agreement and to execute the works.
13. To adopt highways.
14. To comment to the Department for Transport on applications made to Department for grants under S.36 of the Transport Act 1981.
15. To approve all applications for planning permission (including the determination of schemes of conditions submitted under the Environmental Act 1995 Minerals Review), for Hazardous Substances Consent, Listed Building Consents and Conservation Area Consents except where:- <ul style="list-style-type: none"> <li>• Those applications and proposals in accordance with the Development Plan where objections are raised by other local authorities;</li> <li>• Those applications which are Environmental Impact Assessment applications;</li> <li>• Those which are recommended for refusal;</li> <li>• All applications where more than 3 individual representations from separate properties raising planning related objections are received;</li> <li>• Those involving a departure from the Local Plan; and</li> <li>• Those which have been referred to Committee by a Local Member.</li> </ul>
16. To negotiate section 106 agreements in connection with planning applications relating to applications dealt with by district councils concerning infrastructure which the County Council would be responsible for providing.
17. To act under any powers or duties under legislation imposed on the County Council with respect to flood risk management.
<b>Transport Services</b>
1. To enter into agreements providing for subsidies of public passenger transport services under Section 88 of the Transport Act 1985.
2. To make grants to provide, maintain or improve any passenger carrying vehicles, equipment or facilities provided for the purpose of facilitating travel by disabled persons under Section 106 of the Transport Act 1985.
3. To enter into agreements with local bus operators to make quality bus partnerships, quality contract schemes or ticketing schemes under the Transport Act 2000.
4. To enter into agreements with local bus operators for non-statutory quality bus partnerships.
5. To enter into agreements providing for the supply of passenger transport services including those for: <ul style="list-style-type: none"> <li>• mainstream education pupils;</li> <li>• special educational needs pupils;</li> <li>• social services clients.</li> </ul>
6. To make grants to Parish Councils for improvement of bus shelters.
7. To enter into agreements for car contract hire scheme for employees of the Authority fleet services and contract hire arrangements for Specialist vehicles.
8. To take such decisions on the withdrawal of local bus services to remain within budget, subject to consultation with the appropriate Executive Councillor.
<b>Other</b>
1. To determine, following consultation with the appropriate Executive Councillor and Overview and Scrutiny Committee or Panel and the Executive Director -

Resources, where there is an immediate threat to a site, requests to the County Council for support towards habitat and environmental site acquisitions.
<b>Economic Development</b>
1. To make grants and loans within a framework approved by the Council including <ol style="list-style-type: none"> <li>a) Lincolnshire Loan Fund for Business Development</li> <li>b) Lincolnshire Community Business Development Finance Initiative and</li> <li>c) Specific initiatives to support rural communities</li> </ol>
2. To develop sites and premises for economic development purposes <ol style="list-style-type: none"> <li>a) to procure services in accordance with the regulations and established policies and principles of Lincolnshire County Council</li> <li>b) to work together with public and private sector partners to bring forward new capital projects</li> <li>c) to agree the sale and letting of sites within the economic development portfolio</li> </ol>
3. To deliver the tourism policy and function for Lincolnshire County Council and to manage any contracts for the delivery of tourism services
4. To ensure that external funding programmes are delivered in accordance with the guidelines set out in offer letters.
5. To implement capital projects which will bring about an improvement in the economic wellbeing of the County and its population
6. To lead an integrated policy and service delivery operation.
<b>Community Assets and Resilience</b>
2. To make grants within a framework approved by the Council including: <ol style="list-style-type: none"> <li>a) Towards the cost of establishing, promoting or holding music, dance, arts or other cultural events and activities, as well as Lincolnshire Communities within the overall policies of the Council; and</li> <li>b) To support the provision made by voluntary and other organisations where there are educational benefits to the people of Lincolnshire.</li> </ol>
3. After consultation with the appropriate Executive Councillor, to approve use of Lincoln Castle for charity events and to determine financial arrangements.
4. To exercise the functions of the Council as library authority and in relation to museums and art galleries under the Public Libraries and Museums Act 1964, and as archive authority under the Local Government Act 1972, s 224 and the Public Records Act 1958 and 1967 and other enabling legislation.
<b>Waste</b>
1. To exercise the functions of the Council in relation to treatment and disposal of waste.

**EXECUTIVE DIRECTOR – COMMERCIAL**

**VACANT**

## CHIEF LEGAL OFFICER

1. To act as solicitor to the Council for any purposes and subject to consultation with such of the Executive, Executive Councillor, Committee or Chief Officer as may be appropriate, to exercise discretion whether to issue or defend proceedings on behalf of the County Council in any Court or Tribunal or before any other body with jurisdiction, including arbitration or adjudication, to enter into mediation or other alternative dispute resolution processes or otherwise to settle claims disputes and proceedings and to take such other actions as are appropriate for the solicitor to the Council and which are necessary to protect, maintain and fulfil the interests, rights and duties of the Council.
2. To act as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. As Monitoring Officer to consider applications for dispensations in respect of disclosable pecuniary interests.

## CHIEF FIRE OFFICER

### Fire and Rescue Service

1. To make appropriate arrangements for dealing with matters relating to the discipline and dismissal of uniformed Fire Officers pursuant to the relevant legislation
2. To reduce retaining fees in cases in which attendance is required only during limited periods, and in cases of failure to attend for training, fires and other duties.
3. To review from time to time risk categories and pre-determined attendances.
4. To waive or make nominal charges in respect of special services.
5. To approve or refuse applications from members of the Lincolnshire Fire and Rescue Service ("the Service") to engage in outside employment.
6. To measure the provision of water for fire fighting purposes.
7. To make, vary or revoke reinforcement schemes and other arrangements with other Fire and Rescue Authorities for the discharge of the Council's functions as Fire and Rescue Authority.
8. To be directly responsible to the relevant Executive Councillor acting on behalf of the Council in its capacity as Fire and Rescue Authority for the Service as maintained under the Fire and Rescue Service Act 2004 having regard to the Fire and Rescue National Framework.
9. Powers to issue, amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.
10. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987.
11. Power to enter into an agreement under Section 39 of the Fire and Rescue Services Act 2004 with a water undertaker for securing that an adequate supply of water will be available for use in the event of fire.

12. Power to enter into an agreement under Section 41 of the Fire and Rescue Services Act 2004 (a) to secure the use of water under the control of a person other than a water undertaker; (b) to improve access to any such water; or (c) to lay and maintain pipes and to carry out other works in connection with the use of such water.
13. Power to authorise in writing named employees to carry out those actions provided for in sections 44 (Powers of fire-fighters etc in an emergency etc), 45 (Obtaining information and investigating fires) and 46 (Supplementary powers) of the Fire and Rescue Services Act 2004.
14. Power, in consultation with the Chief Legal Officer, to prosecute: (i) those offences falling under the following provisions of the Fire and Rescue Services Act 2004 namely: <ul style="list-style-type: none"> <li>• Section 40 (water undertaker's failure to comply with request regarding emergency supply of water);</li> <li>• Section 42 (improper use of, or damage to, a fire hydrant);</li> <li>• Section 43 (failure to give notice of intended works to a fire hydrant);</li> <li>• Section 44 (obstruction of or interference with officers exercising Section 44 powers);</li> <li>• Section 46 (obstruction of officers exercising section 45 powers or failure to provide information in response to exercise of section 46 powers); and</li> <li>• Section 49 (false alarms of fire); and</li> </ul> (ii) the various offences falling within the provisions of Article 32 of the Regulatory Reform (Fire Safety) Order 2005.
15. To appoint in writing a named Inspector or Inspectors for the purpose of enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005.
16. Power to issue and serve an alterations notice pursuant to Article 29 of the Regulatory Reform (Fire Safety) Order 2005.
17. Power to issue and serve an enforcement notice pursuant to Article 30 of the Regulatory Reform (Fire Safety) Order 2005.
18. Power to issue and serve a prohibition notice pursuant to Article 31 of the Regulatory Reform (Fire Safety) Order 2005.
19. Power to issue Petroleum Storage Certificates pursuant to the Petroleum (Consolidation) Regulations 2014.
20. Power to register 'keepers of petrol' pursuant to the Petroleum (Consolidation) Regulations 2014.
21. Power to enforce regulations 5 (access marking), 6 (location marking) and 7 (signs to be kept clean) pursuant to the Dangerous Substances (Notification and Marking Sites) Regulations 1990 (NAMOS).
22. Power to issue 'Assured Advice' and guidance after demonstration of compliance by the regulated person as set out in 15(4)(b) of the Regulatory Enforcement and Sanctions Act 2008.
23. Power to provide local authorities with advice in accordance with Section 27 of the Regulatory Enforcement and Sanctions Act 2008.
<b>Civil Protection</b>
1. To act in pursuance of all statutory and other powers relating to services for which the Service is responsible.
2. To implement the Control of Major Accident Hazard Regulations 1999.

## “PROPER OFFICER” PROVISION

1a Each of the Officers of the Council mentioned in column 1 is the Proper Officer of the Council in relation to the provisions of the Local Government Act 1972 specified against the Officers title in column 2.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers’</u> <u>Functions</u>
Head of Paid Service Head of Paid Service Executive Director- Resources Executive Director – Children's Services Executive Director – Adult Care and Community Wellbeing Executive Director – Place Executive Director – Commercial Chief Legal Officer Head of Paid Service	83(1) to (4)	Witness and receipt of declarations of acceptance of office.
Head of Paid Service	84	Receipt of declaration of resignation of office.
Head of Paid Service	88(2)	Convening of meeting of Council to fill casual vacancy in the office of the Chairman.
Head of Paid Service	89(1)(b)	Receipt of notice of casual vacancy from two local government electors.
Head of Paid Service	S100B	Determination of which reports or parts of reports should not be disclosed on the grounds that they include exempt information which is likely to be considered private.
Head of Paid Service	S100C	Minuting of meetings and preparing where necessary a written summary of such part of meetings at which the public are

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers'</u> <u>Functions</u>
		not present.
Head of Paid Service	S100F	Determination of which documents should not be disclosed to an elected Member on the grounds that they disclose confidential or exempt information.
Designated Corporate Officer	S100D	Preparation of list of background papers for reports.
Executive Director - Resources	115(2)	Receipt of money due from Officers.
Executive Director - Resources	146(1)(a) and (b)	Declarations and certificates with regard to securities.
Executive Director - Place	191	Functions with respect to ordnance survey.
Head of Paid Service	210(6) and (7)	Charity functions of holders of offices with existing Authorities transferred to holders of equivalent office with new Authorities or, if there is no such office, to Proper Officers.
Monitoring Officer	225(1)	Deposit of documents.
Monitoring Officer	229(5)	Certification of photographic copies of documents.
Monitoring Officer	234(1) and (2)	Authentication of documents.
Monitoring Officer	236(10)	To send copies of byelaws to each District Council in the county.
Monitoring Officer	238	Certification of byelaws.
Head of Paid Service	Schedule 12 Para 4(2)(b)	Signature of summonses to Council meetings.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers'</u> <u>Functions</u>
Head of Paid Service	Schedule 12 Para 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent.
Executive Director - Place	Schedule 16 Para 28	Receipt of deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971).
Chief Fire Officer	Schedule 29 Para 41	Exercise of functions under Sections 9(1) and (2), 13(2)(h) and (3)(b) and 20(b) of Registration Services Act 1953 and any Regulations or Scheme made thereunder.

1b Each of the Officers mentioned in Column 1 is the Proper Officer of the Council in relation to the provisions specified against the Officers title in Column 2.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u>	<u>Column 3</u> <u>Proper Officers'</u> <u>Functions</u>
Monitoring Officer	Local Government Act 2000 S81	Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96(1).
Monitoring Officer	Local Government Act 2000 S81	Receipt of record of interest.
Monitoring Officer	S41(1) and (3) of the Local Government (Miscellaneous Provisions) Act 1976	Certification of resolutions and minutes, etc., for evidential purposes.
Monitoring Officer	S59 of the Highways Act 1980	Certification of extra-ordinary expenses.
Monitoring Officer	S321 of the Highways Act 1980	Authentication of documents.
Executive Director - Place	S295(1) of the Highways Act 1980	Service of notice requiring removal of materials in any street.
Executive Director - Place	Schedule 9 Para 4 of the Highways Act 1980	Prescribing Improvement Lines or Building Lines.
Head of Paid Service	S15 and S16 Local Government and Housing Act 1989	For the purposes of the Local Government (Committee & Political Groups) Regulations 1990.
Monitoring Officer	S18 of the Local Government and Housing Act 1989	For the purposes of the Members' Allowance Scheme.
Monitoring Officer	S19(1)(a) of the Local Government and Housing Act 1989	Receipt of notice of Councillors' interests.
Monitoring Officer	S321 of the Local Government and Housing Act 1989	Deposit of lists of posts politically restricted by virtue of remuneration.

Statutory Scrutiny  
Officer

S31 of the Local  
Democracy, Economic  
and Construction Act  
2009

Promotion of Overview and  
Scrutiny

2. Each of the Officers mentioned in Column 1 is the Proper Officer of the Council in relation to any reference in any legislation (other than the Local Government Act 1972) to the corresponding Officer of a Council (whether specified or not) mentioned in Column 2 which by virtue of any provision of the said Act or of any Order made thereunder is to be construed as a reference to the Proper Officer of the Council.

Column 1

Column 2

Head of Paid Service

Clerk of the Council or Town Clerk of a  
Borough

Executive Director - Resources

Treasurer of a Council

Executive Director - Place

County Surveyor or Surveyor of a  
Council

Head of Paid Service

Clerk to the Fire Authority

3. The Officers mentioned in Column 2 are to act as Proper Officers of the Council in relation to the matters assigned to the corresponding Officer mentioned in Column 1 in the event of that Officer being absent or otherwise unable to act as Proper Officer.

Column 1

Column 2

Head of Paid Service

Such of the Executive Directors, as may  
be nominated by the Head of Paid  
Service

Executive Director - Resources

Assistant Director - Finance

Executive Director - Place

Assistant Director  
(Highways)

4. The Executive Director - Resources is to have responsibility for the proper administration of the Council's financial affairs in accordance with S151 Local Government Act 1972. The Executive Director - Resources may elect to delegate the day to day responsibilities to the Assistant Director - Finance.
5. The Executive Director Resources is, under the nomination at 4 above, the Officer responsible under S114 of the Local Government (Finance) Act 1988.

The Executive Director - Resources may elect to delegate the day to day responsibilities to the Assistant Director - Finance.

## **D GENERAL CONDITIONS APPLYING TO ALL OFFICER DELEGATED POWERS**

1. The powers delegated to Officers shall be exercised in accordance with the:
  - (ii) Rules of Procedure;
  - (iii) Financial Regulations;
  - (iv) Contract Regulations; and
  - (v) Established policies and principlesof the Council as current from time to time.
2. Any decision or action shall comply with all relevant resolutions, orders and directions of the Council, the Executive and of any Committee.
3. Where any matter involves professional or technical considerations within the sphere or competence of another Officer, the Officer taking the decision shall consult with that Officer before authorising action.
4. Delegation to an Officer does not include:
  - (i) any matter reserved to the full Council;
  - (ii) any matter which by law may not be delegated to an Officer;
  - (iii) any matter reserved to a Committee, Sub-Committee or Panel;
5. Without derogating from the discharge of functions under these arrangements Chief Officers shall:
  - (a) Maintain close liaison with the Executive Councillor(s) in whose scope the Chief Officer's functions exist particularly in respect of controversial and sensitive issues.
  - (b) Each Chief Officer shall also maintain close liaison with Councillors representing the political groups in relation to any matter which in the opinion of the Chief Officer may be regarded as sensitive or contentious by any such group. The Chief Officer shall also notify the Executive Councillor and/or Leader of such items and keep them informed of progress.
  - (c) Where a Councillor has made known to a Chief Officer his/her legitimate interest in a matter or where a matter relates to or affects the Councillor's electoral division, the Chief Officer shall consult with that Councillor and shall keep the Councillor informed of significant developments relating to that matter.

6. The existence of a delegation to an Officer shall not require the Officer to take a decision on that issue. Officers need to be aware of particularly controversial issues of concern to the Executive and Committees Panels and Groups of the Council. In such circumstances he/she may refer the matter for guidance or decision by members of the Executive or a Committee Panel or Group of the Council if he/she considers it is appropriate to do so. In so doing the Officer shall advise the Councillors concerned of the extent of his/her delegated powers relating to the matter.
7. The authority conferred upon a Chief Officer may be exercised in his/her absence or at other times by an Officer authorised by the Chief Officer.
8. The Head of Paid Service, in consultation with the Monitoring Officer, shall determine any case in which there is uncertainty whether a Chief Officer is authorised to act under these arrangements.
9. Reference in these arrangements to the discharge of functions of the Council include references to the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of those functions and each Chief Officer is authorised to act accordingly.
10. Chief Officers are responsible within their areas of responsibility for ensuring that in making decisions and delivering services they apply sound risk management principles and practices in accordance with the Council's corporate risk management strategy and that they comply with the obligations and principles of the Council in respect of equality and diversity.

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