

Part 3

Section 5

Officer Delegation Scheme

1. Introduction

This scheme has been adopted by Ipswich Borough Council and its Executive and is the list of delegations to officers under section 101 of the Local Government Act 1972, section 15 of the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.

Reference to powers of “the Council” include the powers exercisable by the Executive.

The delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

All delegations to officers are subject to:

- (a) statutory requirements;
- (b) Council Standing Orders and Regulations;
- (c) consideration of the Council’s policies;
- (d) the requirements of the Chief Executive and/or Chief Operating Officer in relation to the day to day management and co-ordination of the Council;
- (e) adequate financial provision having being made within the manager’s budget for the likely financial consequences of any decision.

Where an officer has delegated powers, the Council or the Executive or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so.

2. Exclusions

2.1 This Scheme does not delegate:

- (a) any matter which by law may not be delegated to an officer;
- (b) any matter which is specifically excluded from delegation by this scheme.

2.2 General Limitations

Officers in the exercise of functions delegated by this Scheme **may not**:

- (a) contravene policies or strategies approved by the Council or the Executive;

- (b) create or approve new policies and strategies;
- (c) take decisions to withdraw public services;
- (d) take decisions on significant new powers or duties arising from new legislation before the new powers or duties have been reported to the Council or the Executive as appropriate, (except in cases of urgency and in consultation with the appropriate Portfolio Holder or Committee Chairman);
- (e) provide formal responses to any: (i) Government White Paper or (ii) Green Paper or (iii) other consultation likely to lead to: (a) significant policy changes or (b) have significant impact upon services (except in cases of urgency and in consultation with the appropriate Portfolio Holder or Committee Chairman);
- (f) declare land or property surplus to requirements;
- (g) agree grant criteria or approve fees and charges (except in routine cases, or as a matter of urgency, in consultation with the appropriate Portfolio Holder and committee chairman, provided the decision is within Council policy and budget);
- (h) any decision made by officers under delegated powers must be within the approved Revenue and Capital budgets, subject to any discretion allowed by Financial Regulations, and must comply with the Council's Financial Framework and Financial Instructions.

2.3 Specific Limitations in relation to Employment Related Delegations

The Council is committed to the principle of equitable treatment of employees in all its services, and all decisions about the management and disciplining of staff are subject to:

- the law
- national and local agreements on conditions of service
- disciplinary and grievance procedures
- bullying and harassment policy
- recruitment and selection procedures
- contracts of employment
- pay policies
- redeployment procedures

- comprehensive equality and diversity policy
- health and safety policy
- employee Code of Conduct
- compliance with any other policy relating to employment matters.
- The requirement for prior consultation with recognised trade unions in relation to decisions about:
 - collective redundancies
 - transfers of business ownership
 - changes to pension schemes
 - health and safety arrangements
 - significant HR policy matters

2.4 Recording and publication of Officer Decisions made under either express authorisation or the scheme of delegations

Note that two sets of Regulations apply depending on whether a decision is taken under Executive Functions or Non-Executive functions.

Executive Functions

2.4.1 When any officer with delegation power (or is duly authorised to take such decisions) takes any Executive decision on matters that are the responsibility of the Council's Executive and which affect external parties or the community, such as

- decisions about awarding contracts above a total value of £10,000;
- decisions to exercise powers of Compulsory Purchase;
- decisions on disposal of and/or provision of open space, allotment land or other green spaces;
- decisions to purchase new ICT systems;
- decisions about the holding/cancellation of car boot sales/markets or events on council-owned land;
- decisions about the operating hours of off-street car parks;
- decisions to close a park or sports centre;
- decisions resulting in the closure of a major road.

These must be recorded in writing to comply with the *Local Authorities (Meetings & Access to Information) England Regulations 2012 no. 2089*. The written record must be completed by the officer at the time of making the decision

including:

- details of the decision and the date it was made;
- reasons for the decision;
- any other options considered and why those options were rejected;
- details of any conflict of interest declared by any executive member consulted in relation to the decision; and
- a note of any dispensation granted in respect of any declared conflict of interest.

Non-Executive Functions

2.4.2 When any officer with delegated power takes a non-Executive decision:

- under a specific express authorisation, or
- under a general authorisation where the effect of the decision is to:
 - grant permissions or licences,
 - affect the rights of individuals,
 - award contracts or incur expenditure which, in either case, materially affects the Council's financial position (normally this will be a contract or expenditure above a total value of £10,000).

These decisions must be recorded in writing to comply with *The Openness of Local Government Bodies Regulations 2014 no. 2095*.

The written record must be produced as soon as reasonably practicable (normally within 10 working days) after the decision has been made including:

- The date the decision was taken;
- A record of the decision taken along with reasons for the decision;
- Details of alternative options if any considered and rejected; and
- Where the decision is taken under a specific express authorisation , include the name of any member who has declared a conflict of interest in relation to the decision.

2.4.3 A copy of the record of the decision must be sent by the relevant officer to the Monitoring Officer for publication or inspection as soon as practicable after the decision has been made to enable publication within the timescale set out in 2.4.2 above.

3. Executive/Council Functions

The letter "E" in the right hand column denotes a function which is an Executive Function. The letter "C" denotes a function which is a function of the Council.

Executive Functions cease to be Executive Functions (and the decision must be taken by full Council) if the decision maker proposes to:

- (a) make a decision which is inconsistent with a policy approved by the full Council which applies to that decision; or

- (b) make a decision contrary to the budget, capital programme or treasury management in circumstances where the full Council has not authorised this.

4. Authorisations to other Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers in particular circumstances. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers shall keep a register of all authorisations granted. Copies must also be sent:

- (a) to the Monitoring Officer: every authorisation;
- (b) to the Head of People & Governance: authorisations relating to the management of employees
- (c) to the Head of Finance and Revenues: authorisations to sign orders / requisitions, cheques etc

5. Reserve Delegations

The delegated powers held by a post may be exercised by the line manager of that post (or by the line manager's line manager or by the Chief Executive) if:

- (a) that post is vacant;
- (b) the post-holder is not at work for any reason;
- (c) the person who has the delegated power has a conflict of interest in the decision or matter.

LIMITATIONS: Any delegated powers given to the Monitoring Officer or S 151 Chief Finance officer in relation to their statutory duties may only be exercised in their absence by their duly appointed deputies.

6. Transfer of Functions

Where the name of a post is changed, any delegated powers possessed by the post shall be retained by the renamed post.

Where a service area is restructured, the Chief Executive has authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and shall also notify all Councillors and Heads of Service.

When a post is vacant and an employee takes on the duties of the post in an "acting" capacity, they have the same delegated powers that they would have if they held the post.

7. General Statement about Consultation

- 7.1 A decision maker must consult the relevant Portfolio Holder if the decision relates to Executive Functions and it may reasonably be considered that the issue is important or sensitive. Where appropriate, the matter must be referred to the Executive for a decision/guidance.
- 7.2 If for any reason it is not practical or lawful to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom they reasonably considers to be an appropriate substitute consultee.
- 7.3 Where any decision proposed under delegated powers is likely to involve the approved budget being exceeded, or is outside the approved capital programme, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
- 7.4 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with appropriate Portfolio Holder(s) or Committee Chairman before exercising the delegated powers.
- 7.5 An officer may at his/her discretion consult the appropriate Portfolio Holder, or the Executive, or the appropriate Committee, or its Chairman before exercising delegated powers, or not exercise delegated powers but refer the matter to the Executive or a committee for a decision.
- 7.6 In exercising delegated powers, officers will keep Ward Councillors informed of sensitive matters affecting their Wards.

8. Delegations to Officers with Core Delegated Powers

- 8.1 Without prejudice to the above, the powers listed below have been specifically delegated to the officers listed below, subject to the Limitations listed above:

Chief Executive

Chief Operating Officer

Head of Culture & Environment

Head of Development

Head of Housing & Community Services

Head of People & Governance

Head of Finance & Revenues

- 8.2 Subject to the Council's Contract Standing Orders, any officer listed in 8.1 (or

any officer duly authorised by any officer listed in 8.1) may enter into contracts which are:

- (a) entered into for any purpose which they consider relates to their service area;
- (b) not likely to result in net expenditure beyond the amount remaining for that year under the appropriate budget heading for that service area. Heads of Service should check this is the case before entering into a contract;
- (c) not contracts for the acquisition or disposal of any interest in land; and
- (d) not contracts of employment (because these are covered in Employment Standing Orders).

This delegation expressly includes the power to enter into 'partnership' contracts with other public bodies and contracts which generate income (e.g. sponsorship contracts, grant contracts where the Council will receive money and advertising) but only after consulting the Head of Finance & Revenues and the Finance Portfolio Holder.

This delegation also expressly includes the power to administer lists of approved contractors in accordance with the Contract Standing Orders. [E/C]

8.3 To recruit employees and workers where authorised by the Head of Paid Service to do so.

- (a) This delegation includes authority to fill posts within the establishment at a lower grade than the evaluated grade but only after consulting the Head of People & Governance;
- (b) This delegation includes authority to appoint temporary employees, following consultation with the Human Resources Operations Manager for any period of up to 23 months but only where:
 - (i) the appointment can be made without viring money into the staffing budget or a supplementary estimate being made; or
 - (ii) it is necessary in order to ensure that council services can be maintained safely; or
 - (iii) it is necessary in order to provide a basic council service.

And any appointment made under (b)(i), (ii) or (iii) above to be subsequently reported to the Corporate Management Team.

- (c) This delegation includes the authority to recruit to a pool of casual workers but only where:

- (i) such casual workers are employed on an ad hoc basis only; and
- (ii) no on-going patterns of employment are established.

(delegation 8.3(b) applies whether or not there is a vacant established post, but if there is no such post then the Human Resources Operations Manager must be consulted about what the temporary employee should be paid.

LIMITATION: This delegation does not allow re-appointment or for a temporary appointment to be extended if it would mean that the temporary employee would acquire more than 23 months' continuous employment.

- (e) To authorise the payment of a salary on appointment at a point above the minimum of the grade, where the appointee's experience, qualifications, current pay or other factors justify it, and in circumstances where such a payment is otherwise appropriate and reasonable and after consulting the Human Resources Operations Manager.
 - (f) This delegation does not include authority to appoint anyone to a post which under Employment Standing Orders is required to be appointed by Councillors. [E/C]
- 8.4 (a) To take any necessary disciplinary action in accordance with the Council's Disciplinary and Grievance Procedure, where authorised by the Head of the Paid Service to do so.
- (b) To dismiss employees for reasons other than misconduct, after consulting the Head of People & Governance and where authorised to do so by the Head of the Paid Service. [C]
- 8.5 To manage employees, which expressly includes:
- (a) To grant special leave of absence with pay, e.g. compassionate reasons or Carer requirements, not exceeding 4 weeks in any leave year. [C]
 - (b) to grant unpaid leave of absence for up to six months. [C]
- 8.6 To take any action which the Council has power to take in order to manage their service area including the power to apply for any registration, licence or consent in connection with the service area. [E]
- 8.7 To publicise the services they provide, (for example by publishing leaflets or information on the internet) after consulting the appropriate Portfolio Holder and the Press Office. [E/C]
- 8.8 To serve any notice which the Council has the power to serve in order to find out which people have an interest in any land. [C]

- 8.9 In consultation with the appropriate Portfolio Holders, to decide the terms upon which services will be provided to the public (which may include providing services on different terms to different individuals or classes of individuals). [E]
- 8.10 To temporarily change opening hours for premises but not (except in the case of an emergency) so as to prejudice service delivery. [E]
- 8.11 In consultation with the Legal & Democratic Services Operations Manager to ban people from premises they manage. [E]
- 8.12 To assist any outside body concerned with the officer's service area and to make representations to them (but representations given must not conflict with council policy). [E/C]
- 8.13 To take any steps to implement a decision of the Council, a Committee or a Sub-Committee or the Executive. [E/C]
- 8.14 To exercise the Council's powers:
- to enter land (and to authorise others to enter land); and
 - to authorise surveillance, but in the case of covert surveillance only where designated in the Proper Officer list. [E/C]
- for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- 8.15 To instruct the Operations Manager for Legal & Democratic Services with respect to any matter concerning the service area requiring legal services. [E/C]
- 8.16 To carry out any works which the Council has power to carry out in connection with any function delegated to them (including the power to carry out works in default) and to take any steps to recover the money spent on carrying out works in default (including charging land). [E/C]
- 8.17 To exercise the Council's powers in connection with any apparently lost, abandoned or uncollected property (including vehicles). [E]
- 8.18 The authority to tender or quote for and, if successful, to carry out any work which is put out to tender by the Council. [E]
- 8.19 Authority to tender for and enter into contracts to provide goods and services to any body to which the Council has express statutory authority to provide goods and services. [E]
- 8.20 Authority to use spare capacity of goods, plant or manpower by entering into contracts to carry out work for another person or body provided that where a contract is estimated to have a value of more than £25,000 in any financial

year he or she shall consult the S151 Chief Finance Officer and Monitoring Officer before entering into the contract. [E]

LIMITATION: This delegation does not extend to any contract with an anticipated value in excess of £75,000.

8.21 Authority to sub-contract any work which needs to be done (directly or indirectly) under any contract or any work for the Council which the relevant service has won. This includes authority to make provision (by any means) for another public body to carry out the work or discharge the Council's functions.

9. Delegations to Chief Executive & Chief Operating Officer

The following delegations are exercisable by the Chief Executive and the Chief Operating Officer insofar as they relate to the Service Areas under their management and control.

9.1 To transfer employees between service areas where this will not have a detrimental effect on service delivery. [C]

9.2. To grant honoraria in accordance with the Council's policies. [C]

9.3. To authorise back payments to officers where entitlement has been established under their contract of employment or council policy. [C]

9.4. To create, vary or delete posts.

10. List of Officers with Service Specific Delegations

- Chief Executive
- Chief Operating Officer
- Monitoring Officer
- S151 Chief Finance Officer
- Head of People & Governance
- Head of Development
- Head of Housing & Community Services
- Head of Culture & Environment
- Head of Finance & Revenues

- Operations Managers listed in section 11 with specific operational delegations.

10.1 Chief Executive

- (a) The Council's power to publish information about its services including deciding the content of any publication in consultation with the Leader. [E]
- (b) The Council's powers to take any action with respect to the Commissioner for Local Administration. [E]
- (c) To exercise the Council's powers to prepare for and deal with any disaster or emergency affecting life or property in Ipswich. [E]
- (d) To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer's duties. [C]
- (e) To act as Head of the Paid Service for the purposes of Section 4 of the Local Government and Housing Act 1989 and to make any decision which the Council may make as employer other than pay grading structure and job evaluation (except those decisions that are reserved to Council, the Executive or subject to a recommendation of the Employment Advisory Panel).
- (f) To determine and publish the management structure of the Council.
- (g) To determine the appointment and proper management of the authority's staff (except those decisions that are reserved to Council, the Executive or subject to a recommendation of the Employment Advisory Panel).
- (h) To report and consult as they consider it appropriate to do so on any of the matters within this delegation.
- (i) Subject to the prior consent of the relevant Portfolio Holders, the transfer of staffing budgets allocated to a particular service area to another service area in any service grouping after notifying the Section 151 Chief Finance Officer and Head of People and Governance and the Portfolio Holder for Finance. [E]
- (j) To publish information about Council services on the internet and decide whether or not to link sites. [E]
- (k) To take decisions on any Executive functions in consultation with the Leader of the Council (or in the Leader's absence or unavailability, with the Deputy Leader) as are considered necessary on any urgent or essential matters that may arise during any pre-election period (being the period between the date of the Notice of Election and the following Annual meeting of the Council), and to report back on any decisions

taken under such authority to the first available meeting of the Executive after the commencement of the next municipal year.

- (l) To authorise other officers to make employment decisions.
- (m) In consultation with the Finance Portfolio Holder, Leader of the Council and Section 151 Officer to apply for funding from any third party for the purposes of the regeneration of Ipswich and in or around Ipswich. [E/C]

10.2 Chief Operating Officer

To exercise all the powers of the Chief Executive in his or her absence, or unavailability or when he or she is unable to exercise them in case of conflict of interest.

10.3 Monitoring Officer

- (a) To approve compromise or the settlement of any legal proceedings which have been started. [E/C]
- (b) To approve the settlement of any claims brought by or against the Council before proceedings have been started up to a maximum sum of £30,000 in consultation with the Section 151 Chief Finance Officer in any one case and provided that if the settlement amount is not included in any existing budget provision the Finance Portfolio Holder must also be consulted. [E/C]
- (c) To draft, modify or replace any document which has by law to be included in the Council's constitution under a direction issued by the Secretary of State but which the Council is not otherwise required to have. [C]
- (d) To exercise the Council's functions under the Freedom of Information Act 2000. [E]
- (e) To advertise for Independent Members of Audit & Governance Committee & Independent Persons when a vacancy arises and to arrange an interview panel to make recommendations to meetings of the full Council. [C]
- (f) To amend the Constitution or the Scheme of Delegations where there has been a change of law, job title, structure or rearrangement of responsibilities between officers, grant of a delegated power to an officer by Executive or Council, or to correct typographical and clerical errors (all Councillors to be notified forthwith).

10.4 Section 151 Chief Finance Officer

- (a) To sign any financial forms required by the External Auditor or Government department, including form NNDR 1.

- (b) In consultation with the Monitoring Officer to amend the Contract Standing Orders or Financial Regulations where there has been a change of law, job title, structure or rearrangement of responsibilities between officers or to correct typographical, numerical and clerical errors (all Councillors to be notified forthwith).

10.5 Head of People & Governance

Human Resources:

- (a) To appoint Councillors to any panel where needed for any appointment, dismissal or appeal. [C]
- (b) To approve applications from employees for early retirement or voluntary redundancy/severance in accordance with Council policies. [C]

10.6 Head of Development

Planning

- (a) Subject to the limitation below, to determine major and minor applications and deal with consultations on, and notifications of development:
 - (i) for planning permission; or approval under conditions or reserved matters attached to a planning permission; alterations to a proposal already having planning permission and renewals of a planning permission;
 - (ii) for consent to display advertisements;
 - (iii) to construct overhead electricity lines;
 - (iv) for consent to top, lop or fell trees subject to a Tree Preservation Order or trees in Conservation Areas;
 - (v) for a certificate of lawful use or development (whether the development or change of use has taken place or not);
 - (vi) for listed building or conservation area consents;
 - (vii) for development by Suffolk County Council, or of its land;
 - (viii) for development by the Council, or of the Council's land;
 - (ix) for development by government departments;

- (x) for development of land outside the Borough where the Council is consulted; or
- (xi) for hazardous substances consent. [C]

Guidance note: Whilst there is no limit on the powers of the Head of Development's powers to decide these matters, it is expected that the Head of Development will exercise judgment about which cases are referred to committee and in doing so will normally consider the following factors:

- the scale of the proposal;
 - any controversial planning issues raised by the application;
 - any views expressed by Councillors;
 - the extent to which the proposal is in accordance with planning policies;
 - government targets for decisions to be taken by officers under delegated powers.
- (b) To give approval under any planning condition which requires the approval of the Head of Development. [E]

Acceptance of Land

- (a) To exercise the Council's powers to accept land, where the land is or is to be transferred to the Council under planning obligation or for another planning purpose. [E]

10.7 Head of Housing & Community Services

Council Housing:

- (a) To administer any statutory right for tenants to purchase council dwellings including exercising all the Council's powers and discretions and performing all their duties under the law. [E]
- (b) To carry out the Council's functions and powers as freeholder of blocks of flats containing dwellings subject to long leases. [E]
- (c) To receive statutory claims for home loss payments and to determine if any amount is payable and to make such payments. [E]
- (d) To vary rents of properties let or licensed on a non-secure basis. [E]

(but if the property does not include a building then the Head of Housing & Community Services should consider whether or not there is any other potential use for the land which ought to be pursued).

- (e) To set rents and charges for occupation of property held by the Council under the Housing Revenue Account, but not to carry out the annual rent setting of property occupied by secure tenants. [E]

- (f) To authorise officers to appear in legal proceedings on behalf of the Council [E]
- (g) To grant leases of land (but not dwellings) held for housing purposes for a term of no more than 7 years and where appropriate for a consideration less than the best that could reasonably be obtained [E].

LIMITATION: The Portfolio Holder must be consulted before this delegation is exercised.

Voluntary Organisations

- (a) After consulting the Portfolio Holder, to give voluntary organisations assistance by way of:
 - permitting them to use Council housing premises making available furniture or other goods;
 - making available the services of Council employees. [E]
- (b) To allocate housing in accordance with policy guidelines laid down by the Council to new employees for a period of up to 6 months (up to a maximum of 6 such lettings at any one time), and to Council employees or ex-employees having a minimum of 3 years' service with the Council moving out of service accommodation. [E]

Suffolk County Council

- (a) To decide what assistance is to be provided to Suffolk County Council where the Council is under a duty to provide reasonable assistance to it.

Trespass

- (a) To exercise the Council's powers with respect to persons trespassing on Council Housing Land [E]

Licensing

- (a) To exercise all powers under the Licensing Act 2003 other than those reserved to the Council or the Licensing & Regulatory Committee.
- (b) To exercise all powers under the Gambling Act 2005 other than those reserved to the Council or the Licensing & Regulatory Committee.
- (c) Inspection and Enforcement: To appoint Inspectors and Authorised Officers under any legislation.
- (d) Where the Licensing and Regulatory Committee have decided to suspend a driver's licence then unless the Licensing and Regulatory Committee decide to the contrary, the Head of Housing & Community

Services has authority, in consultation with the driver concerned, to decide the date on which the suspension starts.

- (e) The Head of Housing & Community Services must report any use of his taxi and private hire delegated powers to the next available meeting of the Licensing and Regulatory Committee.

10.8 Head of Culture & Environment

- (a) To exercise the Council's powers with respect to the provision, maintenance and development of the Christchurch Mansion, the Wolsey Art Gallery and the High Street Museum and their associated collections and exhibition programmes subject to the exercise of functions by the Joint Museum Service for Colchester and Ipswich. [E]

LIMITATION: This delegation shall not allow the Head of Culture & Environment to dispose of any part of the collections nor place them on permanent loan.

- (b) The power to decide the entertainments programme at any Council facilities. [E]
- (c) The power to exercise the Council's discretion to impose terms and conditions and set prices in relation to any Council facilities under his or her management or control.
- (d) The power to provide entertainments or catering of any nature anywhere in Ipswich upon such terms and conditions as he/she shall determine. [E]
- (e) To allow any part of any park or pleasure ground to be used for an entertainment, unless the entertainment involves the closure of the whole of a park at a time when it would otherwise be open. [E]
- (f) To manage park lodges (including the power to grant employees licences to occupy and to terminate those licences). [E]
- (g) To take all necessary steps to ensure that bylaws relating to public parks are complied with. [E]
- (h) In consultation with the Finance Portfolio Holder and the Head of Finance & Revenues to apply for funding from any third party for the purposes of the management of the parks or countryside in or around Ipswich. [E/C]
- (i) To determine the terms and conditions upon which any leisure facility may be used by any particular class or group of persons and to run pre-payment and advance booking schemes such as the ICard. [E]

- (j) To fix and levy reasonable charges for the collection and disposal of waste other than household waste within specified guidelines. [E]

10.9 Head of Finance & Revenues

- (a) To exercise all the Council's powers with respect to the administration of the Local Council Tax Reduction Scheme, including the determination, re determination and payment of benefit; the exercising of discretionary powers; all decisions relating to the recovery or non-recovery of recoverable overpayments and the carrying out reviews of decisions (such reviews not to be carried out by the same person who made the original decision). [E]
- (b) To exercise all the Council's powers and duties to bill, administer and collect the Council tax, the National Non-Domestic Rates and outstanding community charge liability including the power to enforce collection and exercise the Council's discretions under the law. [E]
- (c) To exercise the Council's powers to authorise officers and agents to represent the council in any court or tribunal or at any hearing on local taxation matters, and to serve warrants in respect of these matters and to administer a Caution and/or Administrative Penalty where appropriate. [E]

LIMITATION:

- this delegation does not extend to setting the level of the Council Tax;
- when exercising any authorisation, the Head of Finance & Revenues will have due regard to their responsibilities as Section 151 Officer
- this delegation does not allow the Head of Finance & Revenues to change the period of time over which the council tax falls to be paid.

11. Operations Managers' Operational Delegations:

11.1 Operations Manager responsible for Legal & Democratic Services

- (a) To act as the Council's Chief Legal Advisor responsible for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council.
- (b) The service of any notice required to terminate any contract, agreement or lease entered into by the Council including notices to vary any terms of such contract, agreement or lease.
- (c) To institute, defend, prosecute, participate or appear in any legal or other proceedings on behalf of the Council including proceedings to seek warrants and the administering of Cautions. [E/C]
- (d) To authorise officers to appear in legal proceedings on behalf of the Council. [E]

- (e) To instruct counsel and to instruct external solicitors on any matters likely to affect the interests of the Council and generally to administer the budget for the Legal Service. [E/C]
- (f) To sign and serve any statutory or legal notice in accordance with any statutory powers or any functions of the Council and to place any public notice that the Council is required in law to place. [E/C]
- (g) To exercise the council's powers and functions under data protection law. [E]
- (h) To attest the Common Seal of the Council. In his/her absence, this may also be undertaken by the Chief Executive and the Chief Operating Officer. [C]
- (i) To sign on behalf of the Council any document authorised by the Council or which is necessary or desirable to give effect to any decision of the Council.
- (j) To provide and sign statements of truth in accordance with the Civil Procedure Rules.
- (k) To sign indemnities and provide solicitor's undertakings where they are required to enable the Council to exercise any of its functions provided that where the giving of an indemnity or undertaking could have considerable financial implications the Finance Portfolio Holder and the Head of Finance & Revenues shall be required to give his/her approval.
- (l) To exercise the Council's powers with respect to persons trespassing on other people's land. [E]
- (m) To administer the register of local land charges, carry out official searches and to respond to enquiries of local authorities and determine the fee charged for responding to these. [E]
- (n) To exercise the Council's powers to number and renumber properties and name and rename streets. [E]
- (o) To exercise the functions of the Council in respect of:
 - (i) Making arrangements for the convening of meetings of the Council, its Committees, Sub-Committees, the Executive and other associated bodies as may be necessary. [E/C]
 - (ii) The preparation of a programme of meetings of the Council, its Committees and Sub-Committees and the Executive. [E/C]

- (iii) The maintenance of records of notices of pecuniary and non-pecuniary interests given by any Councillor or Officer of the Council (for so long as the Council is under a legal duty to maintain this register). [E]
- (iv) The provision of information to the public and to councillors about the Council's decision-making process and individual decisions. [E]
- (v) After consulting the Leader, to nominate representatives to outside bodies where any vacancy arises after the annual Council meeting in May in any council year. [C]
- (vi) The provision of facilities for Councillors. [E/C]
- (vii) The approval of reasons for the absence of Councillors from any meetings and the declaration of vacancies of any seats of the Council. [C]
- (viii) To certify resolutions and documents as being correct.

11.2 Operations Manager for Corporate Support

- (a) To take such actions that the Council as landowner has power to take as are necessary to comply with the law in order to do any works or ensure the health and safety of any person. [E]
- (b) After consulting the Portfolio Holder, to give voluntary organisations assistance by way of:
 - grant or loan;
 - by permitting them to use Council premises on terms approved by the operations manager for property services;
 - making available furniture or other goods;
 - making available the services of Council employees. [E]

11.3 Operations Manager for Parks and Cemeteries

- (a) To promote the use and enjoyment of the parks, amenity areas and recreation grounds. [E]
- (b) To provide public catering services in parks, open spaces or at events provided by this service area. [E]
- (c) To provide, maintain and develop parks, recreation grounds and amenity areas throughout Ipswich for recreational and amenity purposes. [E]

- (d) To encourage the use and enjoyment of Rivers Orwell and Gipping, their foreshore and adjacent land for formal and/or recreational purposes. [E]
- (e) To exercise all the Council's powers with respect to the management of allotments, but not including the fixing of rents. [E]
- (f) To make grants of burials and other rights. [E]
- (g) To exercise the Council's powers with respect to arranging burial or cremation where no one else is making arrangements. [E]
- (h) To exercise the Council's powers with respect to the management of the cemeteries and crematorium. [E]

11.4 Operations Manager for Property Services

- (a) To take any step which the Council is entitled to take as the person with an interest in any land. This delegation doesn't include the power to dispose of any legal estate. [E]
- (b) To acquire land or any interest in land by agreement under any enactment in consultation with the appropriate Portfolio Holder. [E]
- (c) In consultation with appropriate Portfolio Holders to appropriate land belonging to the Council for purposes other than those for which it was acquired. [E]
- (d) To dispose of land or any interest in land in accordance with the law (including the grant of wayleaves and easements to statutory undertakers). [E]

LIMITATION: This delegation does not apply if the Council is

- disposing of its freehold; or granting a lease of longer than 21 years

and if the freehold value of the land to be disposed of is more than £250,000 (if the value exceeds £50,000 then the disposal must be reported to Councillors).

- (e) To receive notices served on the Council as the person with an interest in any land. [E]
- (f) To agree ex-gratia payments up to £5,000. [E]

(any use of this delegation must be reported to Executive for information)

- (g) After consultation with the Head of Development, to apply for any kind of necessary permission or consent needed to develop land or alter any building. [E]

- (h) To take any steps consequent on the making of a compulsory purchase order, including the application of the rules for assessing compensation, negotiating with the other party the amount of compensation in order to settle the amount payable and reference to the Lands Tribunal where no agreement can be reached. [E]
- (i) To carry out the Council's functions relating to office accommodation and services in Grafton House. [E]

11.5 Operations Manager for Major Capital Schemes

- (a) In consultation with the procurement officer, to compile and manage select lists for any kind of building or maintenance contract, including the power to add and remove contractors from the list, and the power to keep different lists for different kinds and sizes of contracts. [E]
- (b) To apply for any kind of necessary statutory permission or consent needed to carry out any building works. [E]
- (c) To apply for any kind of necessary statutory permission or consent and/or give any statutory notice needed to carry out any building works.
- (d) To add schemes into or remove them from the Council's Affordable Housing Grant Programme or otherwise vary the programme. [E]

LIMITATION: If the proposed decision relates to a sum of more than £50,000 the decision taker must consult the Section 151 Officer and the Housing and Finance Portfolio Holders.

- (e) To add schemes into or remove them from the Council's Affordable Housing Commuted Sums Programme remove or otherwise vary the programme. [E]

LIMITATION: Before exercising this delegation, the decision taker must consult the Operations Manager for Planning & Development and, if the proposed decision relates to a sum of more than £50,000, the Section 151 Officer and the Housing and Finance Portfolio Holders.

11.6 Operations Manager for Human Resources

- (a) To authorise the implementation of the decisions of negotiating bodies relating to pay and other conditions of service, except where the Council has discretion about how to implement the decision. [C]
- (b) To authorise the write-off of any overpayment of pay or pension which occurs as a result of death of an employee or pensioner during the period covered by the payment. [C]
- (c) To authorise payment of relocation expenses in accordance with the

Council's scheme. [C]

- (d) Power to enter into agreements with workers for the purposes of regulating working time. [C/E]
- (e) Power to disapply any part of the Council's recruitment policy or employment standing orders for posts below grade 7 where this is in the interests of the Council and after considering the possible legal implications of so doing. [C]

11.7 **Operations Manager for Information Technology**

- (a) To authorise any person to intercept any communication on the Council's IT or telecommunications systems where lawful to do so. [E]
- (b) To carry out the Council's powers to provide voice telephony services in Council buildings. [E]

11.8 **Operations Manager for Finance Services**

- (a) To make any financial provision for the costs of procurement or activity which have urgently been incurred to prevent danger to life, health or property or to clean up after a disaster.

LIMITATION: before making a decision as many of the following as possible must be consulted:

- the Head of Service whose budget will receive the extra money
 - the Leader
 - the Finance Portfolio Holder [E/C]
- (b) To pay Councillors' attendance allowances and financial loss, travelling and subsistence allowances. [C]
 - (c) The payment of expenses of official and courtesy visits. [E]
 - (d) Administering the council's treasury management and annual investment strategy.
 - (e) To enter into contracts for the supply of energy to the Council. (E)

LIMITATION: If the Operations Manager for Finance Services considers that his or her proposed decision is outside a policy agreed by the Executive then he or she shall consult the relevant portfolio holder before exercising the power

11.9 **Operations Manager for Community Protection**

- (a) The power to develop closed circuit television systems for the purpose of the prevention of crime and disorder and to provide services for

others for whom the Council has power to provide CCTV. [E]

- (b) To take any action with respect to the management of parking places including exercising any discretions under parking places orders, the movement or removal of vehicles. [E]
- (c) To issue and withdraw any penalty charge notice issued in conjunction with any parking or road traffic law covered by any decriminalised provision enforceable by the Council, consider representations made in response to such notices and take any steps in connection with the National Parking Adjudication Service. [E]
- (d) To appoint employees as Parking Attendants and decide what uniform that such employee must wear when exercising their duties. [E]

11.10 Operations Manager for Planning & Development

Town Planning

- (a) To give approval under any planning condition required by the Planning and Development Committee.
- (b) The power to decide what information is needed before a decision can be taken on any application (including the power to decide whether or not an environmental impact assessment is needed and screening and scoping opinions). [E]
- (c) To take any action in response to notifications of proposed development required to be given before exercising permitted development rights, and to deal with any subsequent application for consent. [C]
- (d) To take any enforcement action including the issue and service of any statutory notice which includes (but is not limited to):
 - enforcement notices;
 - stop notices;
 - breach of condition notices;
 - listed building enforcement notices;
 - planning contravention notices;
 - hazardous substances contravention notices;
 - advertisement discontinuance notices;
 - untidy site notices.
- (e) To exercise any statutory power to withdraw any such notice, to waive or relax any of their contents, or extend a period for compliance. [C]
- (f) To serve and withdraw building preservation notices on unlisted buildings. The reasons for the notice and any question of potential

compensation must be reported to earliest available meeting of the Planning and Development Committee. [C]

- (g) To serve urgent works notices where the Head of Development is satisfied that it is necessary to serve such a notice without delay to avoid damage or the risk of damage to an unoccupied listed building. The reasons for the notice and any question of potential compensation must be reported to earliest available meeting of the Planning and Development Committee. [C]
- (h) To make Tree Preservation Orders where the Head of Development is satisfied that it is expedient to make such an Order. [C]
- (i) To confirm Tree Preservation Orders where no objections are received. [C]
- (j) To take any action which the Council has power to take in order to require the planting of any tree. [C]
- (k) To serve compensation directions concerning applications for works under a tree preservation order. [C]
- (l) To exercise the Council's powers with respect to hedgerows. [C]
- (m) To enter into any planning obligation agreement on behalf of the Council which relates to:
 - provision of affordable housing;
 - provision of public open space or any kind of play area;
 - the use of a family annexe to a dwelling;
 - the payment of an education contribution
- n) To issue scoping and screening opinions under regulations 13 and 32 of the Town and County Planning (Environment Impact Assessment) regulations 2011.

Building Control

- (a) To exercise the Council's statutory functions with respect to the building regulations including the issue of all approvals, rejections, relaxations or consents under the building regulations and their governing statute and service of all statutory notices and the taking of appropriate enforcement action including carrying out works in default. [E]
- (b) To grant or refuse applications for licences to erect scaffoldings and hoardings which are to be placed on the highway after consultation with the Head of Development. [E]

- (c) To exercise the Council's powers with respect to ruinous, dilapidated or dangerous buildings or structures, or sites which are dangerous or detrimental to the amenity of the area. [E]
- (d) To exercise the Council's powers to require sufficient sanitary facilities to be provided in buildings. [E]
- (e) To exercise the Council's powers to require taller chimneys to be erected following the erection of a building. [E]
- (f) To exercise the Council's power with respect to consents for cellars below subsoil water level. [E]
- (g) To exercise the Council's powers to require the provision of entrances and/or exits or means of escape from premises. [E]
- (h) To exercise the Council's powers to require the provision of food storage places in houses. [E]
- (i) To exercise the Council's powers with respect to demolition of buildings (but not to grant any planning permission or conservation area consent). [E]
- (j) To carry out the necessary statutory duties, in respect of Initial Notices issued by Approved Inspectors supervising work instead of the Council. [E]
- (k) To exercise the Council's powers to enter premises and carry out inspections of premises licensed as theatres, cinemas or places of entertainment. [E]
- (l) To deal with any consultation concerning the safety of any sports ground. [E]
- (m) To exercise the Council's powers to take enforcement action against people erecting unsafe structures used on public occasions. [E]
- (n) To exercise the Council's powers in relation to the use and ventilation of soil pipes. [E]
- (o) To exercise the Council's functions with respect to watercourses and land drainage, including the power to serve statutory notices about obstructed watercourses. [E]
- (p) To enter into agreements under which the Council takes on responsibility to maintain any drainage system. [E]

Highway & Transport

- (a) Provision of bus shelters. [E]
- (b) To enter into agreements to secure the provision of public passenger transport services (including the provision of service subsidies). [E]
- (c) To maintain, repair and operate bus stations and associated facilities. [E]
- (d) Provision of street lighting (including powers to attach street lights to buildings). [E]
- (e) To exercise any highway or traffic regulation function which the Council has power to carry out under any agreement with Suffolk County Council (as varied from time to time). [E]
- (f) To exercise any highway function which the Council has power to carry out in its own right as a District Council. [E]
- (g) To exercise the traffic regulation functions associated with the market. [E]
- (h) Provision of seats, drinking fountains and watering troughs. [E]
- (i) Provision of street name plates. [E]

Note: "Provision" includes the power to maintain, clean, change and remove.

- (j) To take any step in order to make or vary a car parking order in accordance with instructions from the Executive. [E]

11.11 Operations Manager for Environmental Health and Licensing

- (a) To exercise the Council's powers with respect to securing the safety of food and the condition of food sales premises (including but not limited to powers of licensing and registration). [C]
- (b) To exercise the Council's powers as enforcing authority of all legislation relating to health and safety at work. [C]
- (c) To exercise the Council's powers with respect to the control of infectious and notifiable diseases. [E]
- (d) To exercise the Council's powers take action concerning any matter which is, may be come or has been prejudicial to health or a nuisance. [E]
- (e) To exercise the Council's powers with respect to the control of emissions into the air or into any land or watercourses (including the

issue and revocation of any consent or licence and taking any action to enforce the provisions of this). [E]

- (f) To exercise the Council's powers with respect to Sunday trading. [E]
- (g) To appoint inspectors and authorised officers under any legislation. [E/C]
- (h) To exercise the Council's powers with regard to:
 - the control and tagging of dogs [E];
 - rats and mice (and prevention of damage by them) [E];
 - pigeons and other birds in built up areas [E].
- (i) To exercise the Council's powers (drainage):
 - concerning the condition of any drain or private sewer [E];
 - to secure that any building has adequate or improved drainage and/or sanitary conveniences [E];
 - concerning the condition of any cesspool [E];
 - the use and ventilation of soil pipes [E];
 - the remedial work including the service of notices in relation to rainwater pipes, soil pipes and ventilating shafts and the apportionment and recovery of costs [E];
 - concerning the alteration of a drainage system of premises [E];
 - concerning the drainage and condition of yards and passages [E];
 - with respect to the provision of washing and sanitary facilities [E];
 - to loan temporary sanitary conveniences where necessary. [E]
- (j) To exercise the Council's powers with respect to filthy or verminous premises, articles or persons. [E]
- (k) To exercise the Council's powers with respect to water supplies. [E]
- (l) To exercise the Council's powers relating to rubbish or anything on land in the open air. [E]
- (m) To exercise the Council's powers with respect to the enforcement duty of care for waste on land and to require any person to provide a receptacle for the collection of waste. [E]
- (n) To exercise the Council's powers and duties with respect to street cleaning, littering on any land, fly tipping, and street furniture which has graffiti or fly posting on it. [E]

- (o) To appoint authorised officers under legislation relating to: waste (including on private land), litter (including on private land), highways, free distribution of printed matter, and graffiti. [E]
- (p) To exercise the Council's powers relating to the enforcement of the law relating to dog fouling. [E]
- (q) To appoint authorised officers under legislation relating to fly posting. [E]
- (r) To exercise the Council's powers with respect to recycling any waste.
- (s) To exercise the Council's powers to control noise level on construction or demolition sites. [E]
- (t) To exercise the Council's powers with respect to the regulation of the carrying on of processes which are regulated by the Council. [E]
- (u) To exercise the Council's powers with approve proposals for grit and dust fumes arrestment plant for domestic furnaces, and to carry out appropriate measurements of grit dust and furnaces and the installation of furnaces. [E]
- (v) To exercise the Council's powers to determine chimney heights. [E]
- (w) To serve notice requiring information about air pollution or information which the Council considers it needs for the purposes of legislation enacted to protect the environment or any part of it. [E]
- (x) To exercise the Council's functions with respect to ruinous and dilapidated sites. [E]
- (y) To exercise the Council's powers to require land to be cleaned up. [E]
- (z) To exercise the Council's powers to prevent pollution of land, water or air or harm to human health. [E]
- (aa) To exercise the Council's powers to take steps to prevent or remedy any noise nuisance. [E]
- (bb) To exercise the Council's powers with respect to contaminated land. [E]
- (cc) To make any enforcement decisions and to take action with regard to the premises, places and vehicles in relation to which it has enforcement functions relating to the Council's enforcement functions (as defined in the Health Act 2006 and Smoke-free (Premises and Enforcement Regulations 2006)).

- (dd) To authorise officers to act under the powers contained in s 61 of the Public Health (Control of Diseases Act 1984 including the power to apply for a warrant from a Justice of the Peace

Private Sector Housing

- (a) To exercise any of the Council's powers with respect to:
- (i) The appointment of inspectors and authorised officers under any legislation. [E/C]
 - (ii) Grants for the improvement and maintenance of housing. [E]
 - (iii) Grants for the provision of facilities for disabled people and those with special needs. [E]
 - (iv) The promotion of group repair and area renewal schemes. [E]
 - (v) Relocation grants. [E]
 - (vi) Provision of housing accommodation during private improvement works. [E]
 - (vii) Entering into nomination agreements ancillary to grants to landlords. [E]
 - (viii) The provision and funding of services to assist in the repair, improvement and maintenance of properties. [E]
 - (ix) Exercise any of the Council's powers with respect to ensure housing meets legally enforceable standards. [E]
 - (x) Securing the repair, maintenance, demolition, closure and sanitary conditions of dwellings. [E]
 - (xi) Overcrowding of housing accommodation. [E]
 - (xii) Houses in multiple occupation. [E]
 - (xiii) Arranging for the restoration or continuation of supply of water, gas or electricity. [E]
 - (xiv) Carrying out any works which the Council has power to carry out in connection with any of these delegations (including works in default) and to take any steps to recover the money spent on carrying out works in default (including placing a charge on land). [E]
 - (xv) housing conditions, which:

- concern the condition of any drain or private sewer;
 - mean that the Council may ensure that any building has adequate or improved drainage and/or sanitary conveniences;
 - concern the condition of any cesspool;
 - concern the use and ventilation of soil pipes;
 - concern remedial work including the service of notices in relation to rainwater pipes, soil pipes and ventilating shafts and the apportionment and recovery of costs;
 - concern the alteration of a drainage system of premises;
 - concern the drainage and paving to yards and passages;
 - involve the Council loaning temporary sanitary conveniences where necessary. [E]
- (xvi) filthy or verminous premises, articles or persons. [E]
- (xvii) action concerning any matter relating to dwellings which is, may become or has been prejudicial to health or a nuisance (but not noise nuisance). [C]
- (xviii) Vacant premises. [E]
- (xix) Ruinous and dilapidated sites. [E]
- (xx) Rubbish or anything on land in the open air. [E]
- (xxi) Require dwellings and gardens to be cleaned up. [E]
- (xxii) Caravan sites. [C]

Licensing

- (a) To exercise the Council's powers with regard to the following (except in respect of any applications for licences or registration etc where an objection against the granting of the application has been received. In such circumstances the application will be referred to Committee for determination):
- Street Trading
 - The placing of facilities on the highway for recreation or refreshment
 - Street collections
 - House to house collections
 - Hypnotism permits
 - Motor salvage operators
 - Scrap metal dealers
 - Pleasure boats and boatmen
 - Sex shops and cinemas
 - Sexual Entertainment venues

- Pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
 - Riding establishments
 - Performing animals registration
 - Dog Breeding
 - Animal boarding establishments
 - Dangerous wild animals
 - Zoo licences
 - Car boot sale authorisations
- (b) To convene Licensing Sub-Committees for individual hearings.
- (c) To exercise every function and power relating to hackney carriages and private hire vehicles, their drivers and private hire operators, including, subject to prior consultation with the Chair of Licensing and Regulatory Committee, the power to immediately suspend or revoke a hackney carriage and/or private hire licence where the Operations Manager for Environmental Health & Licensing also considers it to be urgent and necessary in the public interest.
- [Note: This amendment was approved by Licensing & Regulatory Committee on 6 June 2013 (LR/13/05), but has been amended to refer to Operations Manager rather than Head of Service].*

LIMITATION:

- (1) The delegated power to refuse to grant any application for a licence can only be exercised where the application fails to meet the Council's policies from time to time in force.
- (2) The Operations Manager for Environmental Health & Licensing must report any use of their taxi and private hire delegated powers to the next available meeting of the Licensing and Regulatory Committee.

11.12 Operations Manager for Tenancy Services

- (a) To carry out any of the Council's functions relating to the management of dwellings let under secure, demoted or introductory tenancies (or tenancies which have become non-secure for reasons outside the Council's control) forming part of the Council's ordinary housing stock. This includes authority to determine any question, serve any notice and carry out any repair [E]
- (b) To publish and keep up-to-date the information about tenancies and to supply each secure tenant with a copy of such information [E].
- (c) To grant new tenancies to people who are existing tenants but only if [E]:
- At least one person will be a tenant of that property both before and after the new tenancy is granted; and

- The new tenancy is granted because of a change in the family circumstances of the tenant (ie they have acquired a new partner or on a relationship breakdown); and
 - The same result cannot be achieved by a deed of assignment; and
 - The decision-maker does not consider that the grant of the new tenancy will result in serious under-occupation or overcrowding;
 - Granting the new tenancy is otherwise in accordance with housing policies.
- (d) To grant tenancies of dwellings in accordance with allocation decisions made by the Head of Housing & Community Services. [E]
- (e) To serve notice of intention to seek possession [E].
- (f) To take any step which the Council has power to take to recover rent including distraint, legal proceedings and enforcement of judgments in rent arrears cases in respect of dwellinghouses let under secure tenancies. [E]

Gypsy and Traveller Sites

- (a) To manage gypsy and traveller sites (including deciding who may occupy pitches, terminating licences and arranging for the removal of persons and their belongings from any pitch). [E]

11.13 Operations Manager for Housing Advice

- (a) To determine statutory reviews of decisions made with respect to a person presenting to the Council as homeless. If the Head of Housing & Community Services has been involved in the making of the original decision then this delegation shall be exercisable by the Chief Operating Officer instead. [C]
- (b) To make arrangements with another person or body for the contracting out of homelessness/housing register appeals on the Council's behalf and to make arrangements under which the Council decides similar appeals made against decisions of other local authorities. [C]
- (c) To determine all applications for persons presenting themselves to the Council as homeless and to determine how any duty which the Council may have to such persons is performed. [E]
- (d) To deal with all questions about referrals of homeless persons by and to other authorities including taking all steps under any dispute resolution procedure (whether statutory or non-statutory). [E]
- (e) To manage the hostels for the homeless, including granting and termination of tenancies and licences and evicting occupiers. [E]

- (f) To set rents for accommodation provided as part of a duty owed to a person as a homeless person. [E]
- (g) To allocate accommodation in accordance with the Council's statutory housing allocation scheme and policies about transfers. [E]
- (h) To exercise all the Council's powers in connection with the administration of any list of people who have applied to the Council for the allocation of accommodation. [E]
- (i) To vary the housing allocation scheme. [E]
- (j) To decide who is eligible for housing accommodation. To determine statutory reviews of decisions made with respect to the housing register. If the Head of Housing & Community Services has been involved in the making of the original decision then this delegation shall be exercisable by the Chief Operating Officer instead. [C]

11.14 Operations Manager for Commercial Development

- (a) To develop and manage the service as a conference and exhibition centre and for private events, including marriages. [E]
- (b) To allow the premises to be used for educational or cultural events or entertainments (whether in return for payment or not) and, when a charge is to be made, to set that charge). [E]
- (c) To provide catering at any facility or event managed by this service area. [E]
- (d) The power to provide, advertise and manage facilities for conferences, exhibitions and any other event or performance.
- (e) The power to allow advertising, publish programmes, in connection with any entertainment. [E]
- (f) The power to allow others to put on entertainments at the Council's venues upon such terms and conditions approved by the Head of Culture & Environment. [E]

11.15 Operations Manager for Sports & Leisure

- (a) To provide, maintain and develop a wide range of activities for sports, swimming and associated leisure activities. [E]
- (b) To encourage, provide, promote and develop sporting and play activities for the benefit of the community. [E]

- (c) To promote, manage, maintain and develop all the Council's sports centres, community centres, swimming pools and other leisure facilities. [E]
- (d) To allow events and exhibitions to take place in any leisure facility. [E]
- (e) To provide public catering services in facilities or at events provided by this service area. [E]

11.16 Operations Manager for Waste & Fleet Services

- (a) To exercise the Council's powers and duties with respect to the collection of household waste including the service of any statutory notices on any particular person or classes of persons and the granting of consents to clean wheeled bins. [E]
- (b) To exercise the Council's powers and duties with respect to the collection of industrial or commercial waste including the Council's powers to serve any statutory notices on any particular person or classes of persons and the granting of consents which the Council has power to grant. [E]
- (c) To exercise the Council's powers with respect to the enforcement of the duty of care with respect to waste. [E]
- (d) To exercise the Council's powers and duties with respect to street cleaning, littering on any land, fly tipping, and street furniture which has graffiti or fly posting on it. [E]
- (e) To appoint authorised officers under legislation relating to: waste (including on private land), litter (including on private land), highways, free distribution of printed matter, and graffiti. [E]
- (f) To exercise the Council's powers with respect to recycling any waste. [E]

12. Designated and Proper Officer Appointments

Designated Officers

Definition

By section 270(3) of the Local Government Act 1972, a **Proper Officer** is defined as, in relation to any purpose and any local authority or other body or any area, an officer appointed for the purpose. Accordingly, the Council is required to decide which of their officers should be identified to carry out particular functions which are, by primary or secondary legislation, to be carried out by a specified post which will be the Proper Officer post mentioned by the legislation concerned.

A **designated officer** is an officer designated by the Council to carry out a particular function but which is not prescribed as a Proper Officer function by legislation.

<u>TITLE</u>	<u>APPOINTEE</u>	<u>STATUTE</u>
Chief Finance Officer	Peter Timmins	Local Government Act 1972 Section 151
Head of Paid Service	Chief Executive	Local Government and Housing Act 1989 Section 4(1)
Monitoring Officer	Helen Pluck	Local Government and Housing Act 1989 Section 5(1)
Returning Officer (Local Government Elections)	Russell Williams	Representation of the People Act 1983 Section 35
Electoral Registration Officer	Russell Williams	Representation of the People Act 1983 Section 8
Cremations Registrar	Steve Kemp	Cremation Regulations 1930 (Reg. 17)

NOTES

1. Section 113 of the Local Government Finance Act 1988 provides that the Chief Finance Officer must also be the Community Charge Registration Officer.
2. Under Section 114 of the Local Government and Finance Act 1988 the Chief Finance Officer must nominate a suitably qualified member of his staff to carry out his duties under that Section when he is unable to act through absence or illness.
3. Under Section 5(7) of the Local Government and Housing Act 1989 the Monitoring Officer must nominate a deputy to act when he is unable through absence or illness to fulfil the role himself.

4. Under Section 35 of the Representation of the People Act 1983 the Returning Officer may appoint deputies to assist him in his duties.
5. Under Section 52(2) of the Representation of the People Act 1983 the Electoral Registration Officer may appoint deputies to assist him in his duties.
6. Under Section 24 of the Representation of the People Act 1983 the Returning Officer at a parliamentary election is the Chairman of the Council. However, under Section 28 of that Act, the Electoral Registration Officer may discharge the functions of the Returning Officer as Acting Returning Officer. Under subsection (5) the Acting Returning Officer has power to appoint deputies.

Proper Officers

APPOINTEE	FUNCTION
	Landlord and Tenant Acts
Chief Executive	To be the proper officer to serve and receive notices on behalf of the Council for the purposes of S23 of the Landlord & Tenant Act 1927 and S66 of the Landlord & Tenant Act 1954.
	Local Government Act 1972
Head of Development	<u>S16</u> provides that the proper officer is to receive and deposit lists of buildings of special architectural or historic interest.
Returning Officer	<u>S83(1)</u> provides that a declaration in the prescribed form of acceptance of office of Chairman, Vice-Chairman or councillor must be made by councillors to the proper officer.
Returning Officer	<u>S84</u> states that written notice of resignation must be given by councillors to the proper officer.
Returning Officer	<u>S88(2)</u> gives the proper officer power to convene a meeting for purpose of filling casual vacancy in case of Chairman of the Council.
Returning Officer	<u>S89(1)(b)</u> makes provision for the proper officer to accept notice in writing of the casual vacancy occurring in the office of councillor.
Monitoring Officer	For all purposes connected in the Local Government Act 1972 and the Local Government Act 2000 concerned with the provision of information about the decisions made or to be made by councillors including access to agenda, reports, background papers, minutes and records of decisions.
Chief Executive	<u>S100F</u> provides that the proper officer is to deal with additional rights of access to documents for Councillors of principal councils.
Head of Finance & Revenues	<u>S115</u> provides that the proper officer shall receive any monies held or received by officers during the course of employment, or shall issue directions as to whom the monies should be paid.

Head of Finance & Revenues	<u>S137A</u> gives the proper officer power to require a voluntary organisation or similar body to supply information to him, where a local authority uses its powers under S137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum.
Head of Finance & Revenues (S151 Officer)	<u>S146</u> provides that the proper officer is to make a statutory declaration, or give a certificate, in order to allow for securities etc to be transferred on change of name of local authority or change of area.
Head of People and Governance	<u>S191(2)</u> provides that the proper officer shall (when necessary) appoint a person to assist in examining, ascertaining and marking out boundaries in accordance with the Ordnance Survey Act 1841 and shall also arrange for advertisements to be placed in newspapers in the area.
Chief Executive	<u>S210(6) & (7)</u> appoints the proper officer to be vested with certain powers in respect of charities.
Monitoring Officer	<u>S225</u> imposes a duty on the proper officer to receive and retain documents deposited with him pursuant to standing orders of either House of Parliament or any statute or instrument.
Monitoring Officer	<u>S229(5)</u> provides that the proper officer must certify any photographic copies of documents.
Monitoring Officer	<u>S234(1)</u> provides that any notice, order or other document which a local authority are authorised or required to give under any enactment may be signed on behalf of the authority by the proper officer.
Monitoring Officer	<u>S236(9)</u> provides that proper officer of a District Council shall send a copy of bylaws made by them to the proper officer of Suffolk County Council.
Monitoring Officer	<u>S238</u> provides that printed copies of bylaws are endorsed with a certificate signed by the proper officer.
Head of People & Governance	<u>S248</u> provides that the proper officer must keep the roll of freemen of the town.

Monitoring Officer	<u>Schedule 12 (Section 99)</u> contains provisions governing conduct of meetings, including requirements for notices to be given by proper officer in subsection (3), and the appointment of the proper officer to sign summons to attend meetings of the Council and specifying the proposed business.
Head of Housing & Community Services	<u>Schedule 14 (Section 180)</u> provides that the proper officer has to certify true copies of resolutions under the Public Health Acts 1875 to 1925.
Monitoring Officer	<p>Local Government Act 1974 <u>S30</u> provides that the proper officer must give public notice of the ombudsman’s reports.</p>
Monitoring Officer	<p>Local Government (Miscellaneous Provisions) Act 1976 <u>S41</u> provides that copy resolutions and Minutes may be certified by the proper officer or a person authorised in that behalf by him or the authority.</p>
Head of People & Governance	<p>Local Land Charges Act 1975 <u>S3</u> requires each registering authority to maintain a local land charges register. This duty falls on the local authority itself and not on the “proper officer”.</p>
Returning Officer	<p>Representation of the People Act 1983 <u>S67(7)(b)</u> provides that in relation to a local government election a proper officer be appointed within the meaning of S270 (3) and (4) of the Local Government Act 1972.</p>
Returning Officer	<u>S128</u> provides that a copy of any petition questioning a local government election shall be sent to proper officer who shall publish it in the local authority area.
Chief Operating Officer	Section 52(2) Deputy Electoral Registration Officer.
Head of Development	<p>Building Act 1984 <u>S61</u> provides that the proper officer [or any other authorised officer by the proper officer] to be given free access to works of repairs to an underground drain.</p>
Head of Development	<u>S78(8)</u> provides that the proper officer may as an officer of the local authority exercise powers under sub-section (1) to take action with regard to a dangerous building.

Head of Development	<u>S93</u> provides that notices and other documents under this Act may be signed by the proper officer or by an officer authorised by him in writing.
Head of Housing & Community Services	<p>Public Health (Control of Disease) Act 1984 <u>S48</u> to certify that the retention of a body in any building would endanger health (and where required to act upon the order of a Justice of the Peace) in terms of any arrangements for its removal to a mortuary.</p>
Head of Housing & Community Services	S61 – to authorise any officer of the authority to enter any premises as proper officer for the purposes set out in S61
Head of Housing & Community Services	<p>Health and Social Care Act 2008 (including the Health Protection (Notification) Regulations 2010 and the Health Protection Local Authority Powers Regulations 2010</p> <p>To appoint on behalf of the authority any required Proper Officer under the above regulations or any other health legislation from amongst the consultants or associate specialist doctors in communicable disease control on the Health Protection Agency’s Third Tier Regional Rota for the Norfolk Suffolk and Cambridgeshire Unit.</p>
Head of Housing & Community Services	<p>Housing Act 1985 For the purposes of part XVIII (reports to local authority about unfit housing).</p>
Head of Finance & Revenues	<p>Local Government Finance Act 1988 <u>S116</u> provides that the proper officer must give the authority’s auditor notice of meetings held under S115.</p>
Head of People and Governance	<p><u>Schedule 4 (Section 10(1)) paragraphs 6-8</u> where notice has to be served on the Council concerning the acquisition of wayleaves over Council-owned land.</p>
Head of Development	<p><u>Schedule 4 (Section 10(1)) paragraph 9</u> where notice has to be served on the Council concerning the felling and lopping of trees etc.</p>
Head of Development	<p><u>Schedule 8 (Section 36(8)) paragraph 1</u> where applications have to be made for consent to construct generating stations on Council-owned land.</p>

Head of Development	Schedule 8 (Section 36(8)) paragraph 2 where applications for consent have to be served on the local planning authority.
Head of People & Governance	<p>Local Government and Housing Act 1989 <u>S2(4)</u> provides that a local authority must deposit and keep up to date a list of politically restricted posts with the proper officer.</p>
Monitoring Officer	<p><u>S19(1)</u> provides that if the Secretary of State exercises his powers under this section to make regulations as to declaration of Councillors' interests, notice must be given by Councillors to the proper officer in accordance with these.</p>
Head of Housing & Community Services	<p>Food Safety Act 1990 <u>S49(3)</u> Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within his province; or (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind, or, as the case may be, the particular document.</p>
Head of Housing & Community Services	<p>Health Act 2006 Section 10 (3) of the Health Act 2006 says "It is the duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter and regulations made under it."</p>
Head of Housing & Community Services	<p>Section (5) states: In this Chapter, "authorised officer", in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter.</p>
Head of Housing & Community Services	<p>Section (7) refers to Schedule 2 which lists the powers of entry, etc.</p>

Head of Housing & Community Services

Section 9 (1) says “An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give him a penalty notice in respect of the offence.”

Smoke-free (Premises and Enforcement) Regulations 2006

Head of Housing & Community Services

Regulation 3 makes Ipswich Borough Council an enforcement authority.

Housing Act 2004

Head of Housing & Community Services

For all purposes.

Data Protection Act 1998

Head of People and Governance

S20 duty to notify the Information Commission of any changes in accordance with S20 of the Act.

Local Government (Committees and Political Groups) Regulations 1990

Chief Executive

All purposes under the Local Government (Committees and Political Groups) Regulations 1990

Localism Act 2011

Monitoring Officer

S33 – Dispensations

Freedom of Information Act 2000

Monitoring Officer

S36 – Prejudice to effective conduct of public affairs as the qualified person.

Money Laundering Regulations 2003 – Proceeds of Crime Act 2002

S 151 Chief Finance Officer

Money Laundering reporting officer for the purposes of receiving disclosure on suspicion of money laundering and reporting as necessary.

**Regulatory and Investigatory Powers Act 2000
(and any order made thereunder)**

Head of Finance &
Revenues, Chief
Executive, Chief
Operating Officer,
Head of People &
Governance,
Head of Housing &
Community Services,
Audit Partnership
Manager

Designated Persons authorised under s 28 and 29 of the above act for surveillance for functions for which the Head of Service responsibility for enforcing and investigating.

GENERAL

The Chief Executive or the Chief Operating Officer are appointed to sign and receive any notice or other documents under any Act of Parliament where no specific appointment has been made.

The Officers who have been designated or who have had functions delegated to them may authorise other officers to act on their behalf.