

3.13 Scheme of Delegation

1. General Principles

- 1.1 These delegations are made under the powers contained in the Local Government Act, 1972, section 101 and by reference to section 100G; the Local Government Act, 2000 sections 14, 19 and 20; the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers. The delegations stem from the Council and Committees in respect of non-executive functions and from the Mayor and Executive in respect of the discharge of executive functions.
 - 1.2 An officer is authorised to exercise such powers as are shown in this Scheme of Delegations including those reasonably applied or incidental to the matters specified. Functions, matters, powers, authorisations, delegations, duties and responsibilities etc. within the Scheme shall be construed in a broad and inclusive fashion.
2. For the purposes of this scheme:
- 2.1 If the post of an officer to whom a function is delegated is vacant, or if the post-holder is absent through sickness or on leave (of whatever type), then, unless the Council otherwise decides:
 - (a) In the case of the Chief Executive, the delegation shall be exercisable by any Director. In the case of a Director the delegation shall be exercisable by the Chief Executive or any other Director. This shall not however allow the Chief Executive or Director to exercise the delegation if he/she is prevented from doing so by law or he/she does not possess the necessary qualifications to exercise the delegation.
 - (b) In the case of the officer who carries the role of a Section 151 Officer the delegation shall be exercisable by the Deputy Section 151 Officer in relation to matters under Section 151 Local Government Act, 1972.
 - (c) In the case of the officer who carries the role of Monitoring Officer the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters under sections 5 and 5A of the Local Government and Housing Act 1989.
 - (d) In the case of the Chief Executive or Director any specific delegation to the Chief Executive or a Director shall be exercisable by a Manager they are responsible for provided that such sub-delegation is in writing by the Chief Executive or Director and provided that the Officer exercising the delegation has the requisite professional qualification, where such is required.
 - (e) In the case of a Manager to whom a specific delegation is made by this Scheme then the Chief Executive or the Director to whom the Manager is responsible to may exercise the delegation.
 - 2.2 Where decisions are taken by officers under delegated powers either as contained in this Scheme or by being delegated with a power by another under paragraph 2.1 above then the following rules shall apply:
 - (a) Powers shall be exercised in accordance with the Council's Constitution (including financial regulations and contract standing orders); in accordance with professional advice and advice, if appropriate, from the relevant lead service officer; in accordance with the Council's approved Policy Framework and other approved plans and policies, particularly the Corporate Strategy; and in accordance with relevant legislative provisions.
 - (b) Any officer exercising a delegation, except in cases of emergency, shall only do so in accordance with the budget approved by Council. In case of emergency which is likely to incur expenditure outside approved budget an officer should consider virement of budget within the scope of

financial regulations. If this is not feasible then the section 151 officer should be consulted and any decision made on expenditure shall then be made by the Chief Executive holding emergency powers. Any action taken must be no more than is necessary to deal with the emergency itself and not for works or services necessary during the recovery stage.

- (c) An officer exercising a delegated power contained within this Scheme shall give effect to any resolution or decision of the Council, Mayor, Executive, Portfolio Holder or a Committee upon any matter of principle or policy in relation to the functions concerned.
 - (d) Where an Officer is authorised to take a decision (either in accordance with this Scheme or by a decision of Council, Executive or a Committee) or exercise a function either directly or by virtue of the provisions relating to absence detailed in 2.1 above, he/she may authorise any other officer specifically or generally to take such action as is necessary to implement that decision or exercise that function either in the name of the officer so delegating or in the sub-delegate's own name.
 - (e) Officers carrying delegations under this Scheme, while retaining the delegation themselves, may also, in writing, further delegate the authority to exercise the delegation to another officer, although final responsibility for the actions taken under any such sub-delegation will remain with the original delegator. Officers entrusted with such sub-delegations may, with the written agreement of the Chief Executive or relevant Director, further delegate the authority. Any sub-delegation is to be recorded in writing. A copy of any sub-delegation or its revocation shall be provided to the Democratic Services Manager, and copied to the Chief Executive or relevant Director (to whom the delegator is responsible to) within five working days. The Democratic Services Officer shall maintain a central register of sub-delegations and the current list of sub-delegations. Any sub-delegation or further sub-delegation of the original delegation will retain any original consultation requirement. The officer dealing with a matter shall also arrange for any inter-departmental consultation that may be required.
- 2.3 The powers of delegation contained above shall not extend to Proper Officer functions set out in Part 3 of this scheme. Only the alternative Proper Officer can exercise such function. If neither the Proper Officer nor the alternative Proper Officer is available then the Chief Executive shall appoint another person to act in their absence or may exercise the function herself provided she is not legally prohibited from doing so.
- 2.4 Where an Officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that Officer.
- 2.5 Any Officer to whom a delegation or sub-delegation is given may waive his/her right to exercise the delegation or sub-delegation and refer the matter back to the Council, the Mayor, the Executive, the Portfolio Holder or to the relevant Committee or the original delegate for a decision.
- 2.6 When an officer is taking any decision which could attract legal liability to the Council he/she shall, in consultation with the Council's Solicitor, consider whether or not the nature of the decision justifies it being taken (e.g. termination of a contract). Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Section 151 Officer.
- 2.7 Subject to any express provision or instruction from the Council, the Mayor, the Executive or other decision-making body of the Council to the contrary, any power to approve or deal also includes the power to refuse and the power to impose appropriate conditions.
- 2.8 Decisions taken under delegated powers shall be recorded. The Openness of Local Government Bodies Regulations 2014 sets out various requirements in respect of recording of decisions taken by members and officers. These are as follows:

- (a) The written record must be produced as soon as reasonably practicable after the decision has been made.
- (b) The decision must contain the following information:-
 - (1) The date the decision was taken
 - (2) A record of the decision taken along with reasons for the decision
 - (3) Details of alternative options, if any, considered and rejected; and
 - (4) Whether any member participated in the decision and the names of any member of the relevant decision who declared a conflict of interest in relation to the decision.
- (c) The written record, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public at all reasonable hours at the main offices, on the Council's website and by such other means that the Council considers appropriate. Additionally, on receipt of postage and copying charges a person is entitled to a copy of the written record and any background papers. This right to inspect and receive a copy of the record and documents does not apply to confidential information nor exempt information.
- (d) The written record must be retained by the Council and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

2.9 The Chief Executive or a Director may appoint any appropriate officer to be an authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be conclusive evidence of its application in particular cases.

2.10 In the event that a post to which a delegation is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the Chief Executive or Director responsible for the function, which shall be provided to the Democratic Services Manager to be retained with the central copy of this Scheme and sub-delegations.

2.11 An officer acting up to or seconded to a post on which delegations have been bestowed in accordance with this Scheme shall be able to exercise those delegations in the same way as the original post holder.

2.12 Where a decision is required on any matter relating to a function of a district council which is not covered by this scheme of delegation or the constitution as a whole, the Chief Executive is authorised to make that decision or to nominate another officer to make that decision. Prior to the decision being made the Chief Executive shall consult with the Elected Mayor if the matter relates to an executive function or if the matter relates to a non- Executive function then the Chairman of the Council or if pertaining to a licensing or planning matter the Chairman of the relevant Committee or Panel.

3 Interpretation

3.1 The following definitions shall apply to this scheme of delegation:

3.1.1 **Act, Order or other legal provision:** Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulation, Order, Rule, Statutory Instrument, Direction, Statutory Guidance or other legal provision made thereunder.

- 3.1.2 **Appropriate Director:** The Director responsible for the function/service to which the particular exercise of the delegation applies.
- 3.1.3 **Section 151 Officer/Chief Finance Officer:** The person having responsibility for the financial administration of the Council in accordance with section 151 of the Local Government Act 1972 and section 114 and 114A of the Local Government Finance Act 1988.
- 3.1.4 **Chief Officer:** Chief Executive, Director of Corporate Services and Commercial Strategy and the Director of Financial Resources.
- 3.1.5 **Consultation:** Consultation shall mean seeking the comments of the person(s) to be consulted with. Consultation shall not mean obtaining the consent of the person(s) to be consulted with. A written record of the consultation shall be retained by the Officer.
- 3.1.6 **The Council:** Shall include the Council, the Executive, an individual Executive Member (excluding the Mayor) or a Committee.
- 3.1.7 **The Mayor:** The Directly Elected Mayor of Copeland
- 3.1.8 **Committee:** Includes a sub-committee and a panel of members.
- 3.1.9 **'in writing':** When applied to a sub-delegation, further sub-delegation or the cancellation of such a sub-delegation or further sub-delegation from this scheme of delegation, "in writing" shall be taken to include email.
- 3.1.10 **'the functions for which they are responsible for':** The functions listed in the Appendix A to this scheme which a Director is shown to be responsible for.
- 3.1.11 **Emergency:** Circumstances where action is necessary immediately and where inaction may lead to a loss of life, injury to a person or animal or damage to or loss of property.
- 3.1.12 **Manager:** An officer holding the position of a head of service or of manager within the Council.
- 3.1.13 **Officer:** A person employed by Copeland Borough Council as an employee under a contract of services.
- 3.1.14 **Monitoring Officer:** An Officer designated as monitoring officer under section 5 of the Local Government and Housing Act 1989.
- 3.1.15 **Solicitor to the Council:** The Council's Solicitor.

4 Delegation

4.1 General Delegations to Chief Officers and Managers

- 4.1.1 The following powers may be exercised by a Chief Officer or Manager in respect of a function for which they are responsible for.
- 4.1.2 Prior to exercising the delegation the Chief Officer or Manager must consult with any person listed in the column headed 'Consultees'. Any limitations on the exercise of the power are shown in the column headed 'Limitations'.

	Delegation	Consultees	Limitations
A	General		
1	To manage the day to day functions for which they are responsible for including budget planning and monitoring (see further no. 14 below), the management and supervision of staff for which they are responsible for, dealing with health and safety responsibilities (see further no. 25 below) and maintaining performance data.		
2	To make (a) minor amendments to any policy, strategy, consultation or similar document relating to the functions for which they are responsible for ('minor' meaning typographical, design or tidying up without altering substance) and (b) amendments required as a matter of urgency to meet changes in the law pending the matter being considered by the relevant Committee.	In respect of (b) the relevant portfolio holder for the non-executive function to which the document relates or the chair of a relevant Committee if non-executive.	The amendment must not be to a policy, strategy, etc. which requires a statutory procedure to be followed prior to adoption.
3	To respond to consultations.	The relevant portfolio holder for the non-executive function to which the consultation relates or the chair of a relevant Committee if non-executive. The portfolio holder or chair may require the matter to be referred to the Executive, the relevant Committee and/or the Overview and Scrutiny Committee for consideration.	Response must not contradict the Council's existing position or stance on the matter the subject of consultation.
4	To dispose of lost or uncollected property.	Solicitor to the Council.	Regard must be had to that part of financial regulations relating to 'Assets'.
5	To procure goods and services.	Procurement and Contracts Management Officer	Any procurement must be in accordance with Contract Standing Orders.
6	To exercise powers under section 1 of the Localism Act 2011 (general power of competence) in respect of the functions for which they are responsible for.	Chief Executive, the Section 151 Officer and the Solicitor to the Council.	Must be within an approved budget and must not place the Council at a financial risk.
7	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and	The Director of Corporate Services and Commercial Strategy and the Solicitor to the Council.	An outline business case and risk assessment must be approved by the

	public bodies in respect of the functions for which they are responsible for.		Director of Corporate Services and Commercial Strategy and any contract documentation approved by the Solicitor to the Council prior to submitting a tender.
8	To authorise officers for the purposes of issuing fixed penalty notices under any legislation within the purview of the Council and in relation to the functions for which they are responsible for.	Solicitor to the Council.	
9	To carry out minor development for which planning permission is not required.	Chief Executive and the Property and Estates Manager.	Must be within budget approved by Council.
10	To authorise Officers to carry out inspections, take samples, enter premises, form opinions and take any other necessary action as may be required by law or in accordance with the Council's functions and policies in relation to the functions for which they are responsible for.		
	Contracts		
11	To do all matters in relation to the letting of contracts.	Procurement and Contracts Management Officer.	Must be in accordance with Contract Standing Orders.
12	To accept tenders received on any matter.	Procurement and Contracts Management Officer.	Must be in accordance with Contract Standing Orders.
13.	To sign contracts on behalf of the Council.	Procurement and Contracts Management Officer and the Solicitor to the Council.	Expenditure must be within an approved budget. The contract must be entered into in accordance with Contract Standing Orders. Does not extend to sealing a contract or other document.
	Financial		
14.	To manage budgets allocated to the functions for which they are responsible for including authority to incur expenditure on items included in the approved Revenue		In accordance with Financial Regulations and Contract Standing Orders.

	Estimates or Capital Programme except where the Council has placed a reservation on any such item.		
15.	To recommend the write off amounts due to a budget for which they are responsible for as irrecoverable.	Director of Financial Resources and relevant Portfolio Holder.	Any write off must be in accordance with Financial Regulation appendix D, 4.21.
16.	To determine grant applications in relation to the functions for which they are responsible for.		Must be from within an approved budget for the provision of grants and strictly in accordance with any policy regulating the distribution of the grant. (Note: this delegation does not relate to the award of grants to voluntary sector organisations).
17.	To vary, in exceptional circumstances, fees and charges.	The Director of Financial Resources, the Director of Corporate Services and Commercial Strategy, the Relevant Portfolio Holder and Chair of the Overview and Scrutiny Committee.	Must not alter the overall approved budget of the Council. Must be in accordance with Financial Regulations.
18.	To determine charges for the use of relevant services and events.	The Director of Corporate Services and Commercial Strategy and the Solicitor to the Council.	In accordance with Financial Regulations.
19.	To take any action authorised by Financial Regulations.	The Director of Financial Resources.	In accordance with Financial Regulations.
20.	To submit bids for the Council to receive grants and funding, etc. from external bodies including central government.	The Chief Executive, the Director of Financial Resources, the Director of Corporate Services and Commercial Strategy and the relevant portfolio holder.	Prior to submission a written statement should be prepared showing, as far as possible on the information available, that the key controls for external funding as set out in Financial Regulation appendix E, 5.12 would be satisfied.
	Assets		
21.	Disposal of surplus / redundant moveable assets (i.e. not land or buildings).		In accordance with Financial Regulations. Not to include

			any item that may be considered to be of historical significance, interest or value.
	Freedom of Information		
22.	To do all matters in relation to the Freedom of Information Act 2000 and Data Protection Act 2018/General Data Protection Regulation 2016 legislation including responding to requests and maintaining a publication scheme.	Director of Corporate Services and Commercial Strategy	In accordance with the legislation specified in column 2 and Information Commissioner Office guidance.
	Emergency powers		
23.	To take any action necessary with regard to the Council's Emergency Planning functions, including authority to incur expenditure.	Chief Executive and Director of Financial Resources	
	Land and Property		
24.	In accordance with Council policies, to manage land, property and other assets allocated to the functions for which they are responsible.		Does not extend to disposing or acquiring land.
	Health & Safety		
25.	To exercise all powers, functions, duties and responsibilities of the Council with regard to health and safety, including implementation of the Council's health and safety policy and procedures, in relation to the functions for which they are responsible.		
	Equalities		
26.	To exercise all powers, functions, duties and responsibilities of the Council with regard to equalities in relation to the functions for which they are responsible as set out within Section 149 of the Equalities Act 2010.		In accordance with the Council's Equalities Scheme.

	Legal		
27	To make an application to a court for a warrant to entry land or property under the provisions of any legislation, in relation to functions for which they are responsible for.	Where practicable the Solicitor to the Council.	
28	To sign, issue and serve all notices required by statute or otherwise to be given by the Council in respect of the functions for which they are responsible for and, where necessary, arrange for any necessary advertisements to be made.	The Solicitor to the Council.	
	Regulatory etc.		
29	Grant, review, renew and Cancel authorisations under the Regulation of Investigatory Powers Act, 2000 in accordance with the Council's surveillance policy and the making of a subsequent application to Court for judicial approval of the authorisation.	The Monitoring Officer and the Solicitor to the Council.	Must be within the constraints of the Regulation of Investigatory Powers Act, 2000 and associated statutory guidance.
30	The making of ex gratia payments in cases of maladministration.	Director of Financial Resources	Must be in accordance with Council's Complaints Policy.
	Licences, notices etc.		
31	The determination of any application for permissions, consents, licences, etc. or for registration within the functions for which he/she is responsible for and enforcement of legislation (including conditions attached) relating to such permissions, consents, licences, (or absence of such) etc.		Except where the application is reserved to Members for a decision.
32	The issue and service of any notice or requisition for information concerned with matters within the functions for which the/she are responsible for.		
33	The carrying out of works in default following non-compliance with any notice concerned with matters within the		

	functions for which the/she are responsible for.		
34	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.		
35	The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom.	Chief Executive.	To maximum of £1000 and only within existing approved budgets.
	Planning		
36	To make application for all consents required in relation to planning permission in respect of Council land or property in relation to the functions for which they are responsible for.	The Property and Estates Manager	Consent of consultee must also be obtained.
	Regulation etc.		
37	To make application for all consents required in relation to building regulation approvals in respect of Council land or property in relation to the functions for which they are responsible for.	The Property and Estates Manager	Consent of consultee must also be obtained.
38	To determine whether or not a caution or administrative penalty should be administered following an investigation into an alleged criminal offence.		Must be in accordance with relevant enforcement concordat.
39	To administer a caution and administrative penalties.		

	Staffing matters		
40	To determine and take action in relation to all staff matters relating to permanent and temporary staff below Chief Officer level, allocated to the functions for which they are responsible.		In accordance with Council Employment Procedure Rules.

41	To appoint Officers as 'Authorised Officers', 'Inspectors', 'Proper Officers' or similar and to undertake enforcement functions excluding the issuing or defending of legal proceedings in respect of functions for which they are responsible.	The Democratic Services Officer and the Solicitor to the Council.	
	Information Security Management and Publication		
42	To apply all appropriate information security measures.	The ICT Manager.	
43.	To apply the Data Protection Act in particular the 7 data protection principles.		

4.1.3 Subject to the foregoing, there are delegated to the officers listed below those matters detailed in column 2 subject to any consultation requirements in column 3 and any limitations in column 4.

No	Function	Consultation	Limitation	Also delegated to
B	<u>Chief Executive</u>			
1.	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or police and crime commissioner elections or referenda.			Director of Corporate Services and Commercial Strategy; Electoral and Democratic Services Manager.
2.	To hear and determine appeals from staff in accordance with the Council's Grievance and Disciplinary Policy and Procedure.		Grievance and Disciplinary Procedure	
3.	To approve expenditure to cover situations in war or peacetime emergencies where other arrangements are impracticable.	Director of Financial Resources		
4.	To approve, in consultation with the Executive where appropriate, Council publications, including		CIMR Procedure	Any other Director.

	press releases and the giving of live and recorded interviews by officers in accordance with the Council's approved Corporate Image and Media Relations Procedure.			
5.	To determine applications for early retirement where added years are requested, matters relating to redundancy and voluntary redundancy.	Director of Financial Services		Any other Director
6.	To take urgent action on behalf of the Council as set out in Part 2, Article 11.		The Mayor or Relevant Portfolio Holder will be kept informed, if they are available.	Directors
7.	To take the lead role in delivery of the Council's response to the opportunities and challenges presented by developments in the nuclear industry in Copeland and West Cumbria.			
8.	To lead and deliver the development and implementation of the Council's economic development strategy and programme of projects including community regeneration.			
9.	To design and lead an integrated service which brings together strategic planning, nuclear programme, economic development to drive and deliver economic growth for Copeland.			
10.	To lead the Council's partnership with BEC (local property devt, profit for purpose, company) devt. and the Cumbria Local Enterprise Partnership and to take action to promote it.			

11.	To enable a diverse local economy through the promotion, facilitating and partnering on a range of sustainable development opportunities, and to take action to facilitate it.			
12.	To engage in Local Enterprise Partnerships, Enterprise Zones and funding mechanisms for supporting local economic growth, such as the Regional Growth Fund, ensuring that the work delivers value for money.			
13.	To lead on health and safety for the Council in accordance with Health and Safety at Work Act 1974 and associated regulations.			
14.	To lead and take all necessary action on behalf on the Council as an employer such as provision of safe working methods, information and where necessary instruction, provision and maintenance of work equipment.			
15.	To investigate and report upon any areas where health and safety improvements may be required.			
16.	To lead on emergency planning for the Council.			
17.	To investigate and report upon any areas where emergency planning improvements may be required.			
18.	To be responsible for business continuity arrangements.			
19.	All matters relating to the investigation and prosecution of matters under the Health & Safety at Work legislation.	Using duly appointed inspectors as appropriate		

20.	To exercise the Council's functions relating to homeless persons.			
21.	To determine applications for appropriate housing grants and the taking of all steps concerned with certification of payment of the same.			
22.	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council's Housing Allocations Policy.			
23.	To nominate people on to properties in accordance with Cumbria Choice Based Letting and the Council's allocations policy.			
24.	To exercise the Council's regulatory and any associated management functions in relation to Housing Health and Safety Rating.			
25.	To exercise the Council's regulatory and any associated management functions in relation to houses in multiple occupation and private housing.			
26.	To determine whether an individual should repay a housing grant/loan.			
27.	All matters relating to pleasure boats, boatman's licences, fisherman's agreements and all such other matters related to the Council's powers and duties in relation to the coast, rivers and harbours.			
28.	To exercise the Council's regulatory and any associated management functions relating to: (a) Caravan and camping sites; (b) Environmental protection including statutory nuisances;		(o) to (u) subject to Licensing Committee terms of reference/split delegation	

	(c) Food safety and hygiene; (d) Health and safety at work; (e) Motor salvage operators; (f) Pest control; (g) Public health; (h) Public safety; (i) Scrap metal dealers; (j) Shops and Sunday trading; (k) Water and sewerage; (l) Building control functions (m) Unfit and defective housing and properties (n) Air quality contaminated land (o) Gambling; (p) Gaming permits; (q) Hackney carriage drivers and vehicles; (r) Private hire drivers, vehicles and operators; (s) Licensable activities under the Licensing Act 2003; (t) Lotteries; (u) Street and house to house collections;			
29.	To grant, vary, enforce or suspend licences, registrations, authorisations and permits under the Animal Welfare (Licencing of Activities Involving Animals) (England) Regulations 2018			
30.	To exercise the Council's powers in respect of water supply, sewerage and drainage.			
31.	To exercise the Council's powers in respect of land drainage.			
32.	To exercise the Council's powers affecting the design or maintenance of highways.			
33.	All matters relating to the naming and numbering of streets.		Relevant Portfolio Holder and Ward Councillors	
34.	To review the decision to serve a remedial notice where written representations are received under regulation 5(2)(e) and (f) of the			

	Smoke and Carbon Monoxide Alarm (England) Regulations 2015			
	To review the decision to serve a penalty charge notice in accordance with regulation 10 where written representations are received under regulation 10 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.			
35.	To issue, serve, modify, or withdraw any enforcement action or notices under the Planning Acts, the Building Acts, the Environmental Protection Acts and any other such regulatory legislation enforced by the Council etc. and to carry out works in default arising therefrom.	Solicitor to the Council		
C.	<u>Director of Financial Resources</u>			
1.	To make payments of housing and council tax or similar benefits.		Financial Regulations	Revenues and Benefits Team Leaders.
2.	To take all necessary action including legal enforcement relating to the demand, collection and the recovery of Council Tax, Rates and any other local levy or collected taxes.		Financial Regulations	Revenues and Benefits Team Leaders.
3.	To take all necessary action including legal action relating to the recovery of debts due to the Council.		Financial Regulations	Revenues and Benefits Team Leaders
4.	To determine entitlement to mandatory or discretionary rate relief.		Financial Regulations	Revenues and Benefits Team Leaders.
5.	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.		Financial Regulations	Revenues and Benefits Team Leaders.
6.	To make proposals for the alteration of the Valuation List or		Financial Regulations	Revenues and Benefits Team Leaders.

	for inclusion of particular properties in the Valuation List.			
7.	To sign off Valuation Agreements.		Financial Regulations	Revenues and Benefits Team Leaders.
8.	To determine any applications for Housing, Council Tax or similar benefits and to make payments of such.		Financial Regulations	Revenues and Benefits Team Leaders.
9.	To investigate allegations of housing benefit or council tax benefit fraud.		Financial Regulations	Revenues and Benefits Team Leaders.
10.	To take any action relating to borrowing in accordance with the Council's Treasury Management Strategy and any other relevant Council budgetary policy.		Financial Regulations and Treasury Management Strategy	
11.	To borrow by way of bank overdraft from the Council's current bankers in accordance with the Treasury Management Strategy and any other relevant Council budgetary policy, subject to annual review by the bank and the audit committee.	Relevant Portfolio Holder	Financial Regulations and Treasury Management Strategy	
12.	To make payments in respect of any claims where the Council's insurers may be involved including payment of excesses.		Financial Regulations	
13.	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.		Financial Regulations and Treasury Management Strategy	
14.	To make payment of any sums due from the Council.		Financial Regulations	
15.	To make repayments to the Council's Pension Fund from those reserves earmarked for pension's contribution.			

16.	To write off debts in accordance with the Council's Financial Regulations.	Budget Holder	Financial Regulations	
17.	To investigate and report upon any allegations of fraud or dishonesty.			Relevant Chief Officer
18.	To manage the procurement, improvement, refurbishment, maintenance and new build provision of the Council's non-housing property portfolio, not specifically the responsibility of other Officers.	Property and Estates Manager		
19.	To act as client officer for contracts let for building maintenance.			
20.	To secure appropriate arrangements and oversee the security of the Council's ICT systems through the implementation of appropriate policies and procedures.			
21.	To implement the Council's corporate policy framework and oversee the implementation of the Council's Equality policies and procedures.			
22.	To prepare and publish a Customer Services Strategy.			
23.	To act as Reporting officer for Anti Money Laundering measures in accordance with council policy.			
D.	Director of Corporate Services and Commercial Strategy			
1.	To implement the Council's policies regarding Community Safety and the reduction of crime and disorder.			

2.	To take any action to combat anti-social behaviour including the issue of fixed penalty notices.			
3.	To exercise all the Council's functions in relation to cremations, burials and all bereavement-related services.			
4.	To determine and communicate the Council's position relating to goods vehicle operator's licences.			
5.	To exercise the Council's regulatory and any associated management functions relating to: amenities on highway, general highway management and any other matters relating to highways (including footpaths and un-adopted highways) affecting a district council.			
6.	To exercise the Council's regulatory and any associated management functions relating to: (a) Trespassers on land, whether Council owned or privately owned; (b) Markets; (c) Street trading; (d) Abandoned vehicles and caravans; (e) Dangerous trees; (f) Waste collection and disposal; all litter matters; (g) Stray dogs and dog control including dog fouling.			
7.	To determine applications and to take any action under Anti-Social Behaviour Act (2003) Part 8 (High Hedges).			
8.	All matters relating to on and off street parking.			

9.	To collect, remove, recycle and dispose of household/domestic and waste.			
10.	To collect, remove, recycle and dispose of street and parks and open spaces litter (CBC asset owned).			
11.	To collect, remove, recycle and dispose of abandoned or unauthorised vehicles.			
12.	To authorise the waiving or reduction of charges for special refuse collections.			
13.	All matters relating to the consecration of land.			
14.	To take appropriate action under the Antisocial, Behaviour Crime and Policing Act 2014 including the issue of applications for a civil injunction, the issue and enforcement of a community protection notice, enforcement of public space protection orders and the issue of a closure notice.			
15.	To secure appropriate arrangements for responding to complaints and to participate in the Local Government Ombudsman scheme.			
16.	To supervise the Council's use of the powers available under the Regulation of Investigatory Powers Act 2000.			
17.	To act as Data Protection Officer for the Council and to undertake and be responsible for all matters arising under the Data Protection Act 2018 and General Data Protection Regulations 2016.	Information Governance and Data Compliance Officer		

18.	To implement the council's arrangements for Overview and scrutiny.			
-----	--	--	--	--

E	Solicitor to the Council			
	Legal Proceedings:			
1.	<p>(a) To determine what, if any legal action should be taken following any investigation into a criminal matter;</p> <p>(b) To determine whether or not any legal proceedings should be taken in any particular case or set of circumstances;</p> <p>(c) To issue, prosecute or terminate any proceedings which the Council is empowered to pursue in or before any Court, Tribunal or Inquiry or by the issue of a fixed penalty notice;</p> <p>(d) To defend or settle any proceedings contemplated or brought against the Council;</p> <p>(e) To settle any claims that the Council is contemplating or initiating;</p> <p>(e) To take any action incidental or inclusive to or which would facilitate any action under this paragraph including the signing of informations, claim forms, defences or any other documents relating to court or judicial proceedings.</p>			
2.	To advise the relevant Chief Officer who is contemplating administering a formal caution to a person that has admitted an offence.			
3.	To appoint and instruct external legal service providers.			

4.	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.	Chief Executive or Planning and Place Manager		
5.	To make minor amendments in planning or other agreements regulating or controlling the use or development of land.	Chief Executive or Planning and Place Manager		
6.	To issue, serve, modify, or withdraw any enforcement action or notices under the Planning Acts, the Building Acts, the Environmental Protection Acts and any other such regulatory legislation enforced by the Council etc.	Chief Executive or Planning and Place Manager		
7.	To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.	Relevant Chief Officer	Not to confirm if there are any objections	
8.	To seal any document.			
9.	To negotiate and agree the terms of any contract.			
10.	To sign any contract on behalf of the Council.			
11.	To authorise the attendance of Officers at Court under any statutory provision.			
12.	To authorise service of any statutory requisition for information as to interests in land.			
13.	To execute any legal document on behalf of the Council.			

14.	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.	Relevant Chief Officer		
15.	To exercise the Council's regulatory and any associated management functions relating to street closures			
16.	To sign discharges on behalf of the Council in respect of repayment of mortgages.			

F.	Planning and Place Manager			
	The functions delegated to the Planning and Place Manager are principally contained in chapter 10 of the Constitution relating to Planning. The matters set out below are in addition to those matters. Where there is conflict the provisions contained in chapter 10 shall prevail.			Senior Planning Officer
1	To determine applications for certificates of lawfulness of existing or proposed use or development under Sections 191 and 192 of the Town and Country Planning Act 1990.			
2.	To serve Planning Contravention Notices in respect of suspected breaches of planning control.			Senior Planning Officer
3.	In consultation with the Council's Solicitor, to agree heads of terms for planning obligations and Agreements under Section 106 of the Town and Country Planning Act 1990.	Council's Solicitor		Senior Planning Officer
4.	In consultation with the Council's Solicitor to agree representation at	Council's Solicitor		Senior Planning Officer

	public inquiries and planning appeals.			
5.	To give, make and confirm any Order or Direction under the Planning Acts.			
6.	Subject to the limitations imposed above to determine the Council's stance in respect of and respond to consultations and opinions concerning matters where the Officer is not to determine the application.			Senior Planning Officer
7.	To (a) issue and serve notices in relation to breaches of conditions in relation to planning permissions and to take appropriate action in respect of noncompliance therewith; (b) to issue and serve notices under section 215 of the Town and Country Planning Act 1990 relating to land adversely affecting the amenity of the area and to take appropriate action in respect of non-compliance therewith; and (c) to take any other action allowed by the Town and Country Planning Act 1990, the Planning (Hazardous Substances) Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990 and subordinate legislation made under those Acts in respect of breaches of the provisions of those Acts or subordinate legislation.			Senior Planning Officer
G.	Strategic Housing Manager			
1.	To issue, sign and serve remedial notices under regulation 5 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.			Public Protection Manager

2.	To take remedial action under regulation 7(1) of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 such authorisation to include authorising a person to take remedial action under regulation 7.			Public Protection Manager
3.	To determine whether a penalty charge notice should be served, to determine the amount of a penalty charge against the adopted statement of principles and to serve a penalty charge notice in accordance with regulations 8 and 9 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.			

5 Authorisations to represent the Council in Court

- 5.1 Every Solicitor, Barrister or Legal Executive employed or engaged by the Council shall be authorised to appear on its behalf before any Court, Tribunal or other hearing before which they have a right of audience and to exercise the powers given by the relevant professional body.
- 5.2 The following post holders are authorised to appear on behalf of the Council and to conduct proceedings in Court and these are additional to the powers delegated by the scheme of delegation to officers and the rights to appear in court given to solicitors, barristers and legal executives:
- (a) pursuant to the Local Government Act 1972 Section 223 and the County Courts Act 1984 Section 60 (in respect of possession matters) and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf:
 - (i) Legal Assistants
 - (ii) Trainee Solicitors
 - (iii) Other suitably experienced and/or qualified Officers specifically authorised in writing so to appear by the Solicitor to the Council.
 - (b) pursuant to the Local Government Act 1972 Section 223 in respect of Rating or Council Tax matters:
 - (i) The Revenues and Benefits Team Leaders
 - (ii) Officers of Copeland Borough Council authorised in writing so to appear by the Revenues and Benefits Team Leaders
 - (c) pursuant to Part I of the Health and Safety at Work etc. 1974:
 - (i) Public Protection Manager

- (ii) Officers of Copeland Borough Council so authorised in writing to appear by the Public Protection Manager and/or in accordance with the legislation
- (d) pursuant to the Insolvency Rules 1986 Part 9 (examination of persons concerning company and individual insolvency):
 - (i) The Revenues and Benefits Team Leaders
 - (ii) Officers of Copeland Borough Council so authorised in writing to appear by the Revenues and Benefits Manager

6 Authorisation to enter land or premises

6.1 General:

- (a) This authorisation authorises those Officers named in paragraphs 6.2-6.5 to enter land or premises for or in connection with their duties and pursuant to the functions mentioned.
- (b) The authority to enter land or premises shall be exercisable subject to any statutory constraints.
- (c) A reference to any Act shall include reference to any amendment or re-enactment and any subordinate legislation.
- (d) In the event that a post ceases to exist or the name of the post is changed or the responsibilities of that post are transferred to another post temporarily or permanently then the authority given by this authorisation shall be exercisable by the Officer in whose area of responsibility the previous responsibilities now reside.
- (e) The right to enter given by paragraphs 2-5 below shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods, to survey the land, to execute works in default, as and when appropriate
- (f) A person authorised to enter land may take with him or her or such other persons and equipment as may be necessary
- (g) This authorisation entitles the person authorised to enter land to seek a warrant to enter
- (h) The authorisation of an Officer to enter land shall be taken as this appointment of that Officer among other things for that purpose

6.2 All purposes

6.2.1 The following are authorised to enter land or premises for all purposes and functions of the Council:

- (a) Chief Executive and Directors
- (b) Emergency Planning Officer
- (c) Managers (to include Solicitor)

6.3 Environmental Health, Housing, Building Control etc.

6.3.1 The following are authorised to enter land or premises for functions 6.3.1 (a) – (v): Team Leaders and Technical Officers. Such other Officers as shall be delegated to in writing by them from time to time by the relevant Chief Officer or a Manager within the relevant department.

- (a) Animal Welfare
- (b) Caravan Sites
- (c) Environmental Protection
- (d) Food Safety and Hygiene

- (e) Health and Safety at Work
- (f) Housing
- (g) Licensing Act 2003
- (h) Pest Control
- (i) Public Health
- (j) Public Safety
- (k) Scrap Metal Dealers
- (l) Shop Acts
- (m) Street Trading
- (n) Sunday Trading
- (o) Public Health
- (p) Land Drainage Act
- (q) Gambling Act 2005
- (r) Street Closures
- (s) Cremations and Burials
- (t) Anti-Social Behaviour Act 2003, Part 8
- (u) Building Act 1984
- (v) Water Industry Act 1991

6.4 Planning

6.4.1 The following are authorised to enter land or premises for functions 4(a)-(c): Senior Planning Officers, Planning Officers and Technical Officers. Such other Officers as shall be delegated to in writing by them from time to time by the Planning and Place Manager.

- (a) The Town and Country Planning Act 1990, Sections 178, 196A, 196B, 324 and 325.
- (b) Planning (Listed Buildings and Conservation Areas) Act 1990, Section 88.
- (c) Planning (Hazardous Substances Act 1990, Section 36.

6.5 Local Taxation

6.5.1 The following are authorised to enter land or premises for the following function: Team Leaders within Revenues and Benefits. Such other Officers as shall be delegated to in writing by them from time to time by Executive Director, Operations and S151 Officer .

- (a) Collection of Local Taxes

ANNEX A

Operating Structure as at 1 April 2021

Corporate Leadership Team

Chief Executive – Head of Paid Service, Returning Officer and Electoral Registration Officer

Public Protection
Environmental Health
Emergency Planning and Resilience
Whitehaven Hub
Licensing
Planning and Place Manager
Development Management, Strategic Planning
Economic Growth and Regen
Corporate Policy
ICT
Nuclear and Energy
Property and Estates
Building Control
Strategic Housing & Inclusion / Safeguarding
Communications
HR/Health and Safety
Political Advisor
Personal Assistants
Policy Officer

Director of Corporate Services and Commercial Strategy (& Monitoring Officer)

Community Services - Waste & Recycling
Trade Waste Service
Enforcement – fly-tipping, stray dogs
Parking
Parks & Open Spaces
Bereavement Services
Performance and Risk
Elections and Democratic Services
Information Management (GDPR/FOI) and Data Protection
Governance and Constitution
Strategic Commercial
Contract Management

Procurement
Legal
Customer Relations
S.I.R.O

Director of Financial Resources (s.151 officer)

Budget Strategy and Finance
Revenues and Benefits
Internal/External Audit .
Beacon
Leisure Contract
Customer Services
CCF