

Officer Scheme of Delegation

Principles of Application

Decisions need to be taken as near to the point of service delivery as possible;

Officers need to be empowered but accountable and responsible;

All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council;

This scheme does not supersede or negate specific delegations that have previously been granted to officers under specific Council or Cabinet reports and/or policy where that delegation is not specifically included in this scheme;

Delegated powers must be exercised in accordance with the Council's Contract Procedure Rules and Financial Regulations, the Constitution, the legislative responsibilities and policies or relevant Council policies and procedures;

Officers must have authority to act in line with their levels of responsibility within the organisation;

All existing and newly appointed managers and staff must be advised in writing of their personal levels of delegated authority by their service area (this can be by provision of copies of the relevant documentation);

Where an officer is going to be absent for a period of time, the relevant line manager may re-allocate responsibility for that Officer's functions as necessary to ensure the effective discharge of those functions during the Officer's absence;

The Corporate Management Team must ensure that this scheme is fully implemented, monitored and reviewed and any changes required are reported to the Monitoring Officer;

The Corporate Management Team comprises; the Chief Executive, Deputy Chief Executive, Chief Finance Officer and Heads of Service.

Statutory Officers and Proper Officers

The Council is obliged to designate officers to Statutory Posts and designate a Proper Office in connection with some functions of the Council.

Function	Designated Officer	Named Deputy where Proper Officer is absent or unable to act
Head of Paid Service – s.4 Local Government and Housing Act 1989	Phil Drury (Chief Executive)	Monitoring Officer
s.151 Officer – s.151 Local Government Act 1972	Paul Julian (Chief Finance Officer)	Accountancy Manager / Deputy s151 Officer
Monitoring Officer – s.5 and s.5A Local Government and Housing Act 1989	Michelle Sacks	Democratic Services Manager
Data Protection Officer	Richard Steele	Monitoring Officer
Returning Officer – s.35 (1) Representation of People Act 1983	Phil Drury Chief Executive	Lorraine Bush Democratic Services Manager
Electoral Registration Officer – s.8 of the Representation of People Act 1983	Phil Drury Chief Executive	Lorraine Bush Democratic Services Manager

Proper Officer for the purposes of s.89 (1) Local Government Act 1972 in relation Notice of Casual Vacancy	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.115 (2) Local Government Act 1972 in relation money due from Officers	s.151 Officer	Deputy s.151 Officer
Proper Officer for the purposes of s.83 (1) to (4) Local Government Act 1972 in relation to witness and receipt of Declaration of Office	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.84 (1) Local Government Act 1972 in relation to receipt of resignation of an elected Member	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.225 Local Government Act 1972 in relation to deposit of documents	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.228 (3) Local Government Act 1972 in relation to accounts for inspection by any Member of the Council	s.151 Officer	Deputy s.151 Officer

Proper Officer for the purposes of S 146 (1) (a) and (b) Local Government Act 1972 in relation to declarations and certificates with regard to transfer of securities	s.151 Officer	Deputy s.151 Officer
Proper Officer for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.234 Local Government Act 1972 in relation to the Authentication of Documents.	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.229 (5) Local Government Act 1972 in relation to certification of photographic copies of documents	Monitoring Officer	Chief Executive
Proper Officer for the purposes of s.234 Local Government Act 1972 in relation to authentication of documents	Monitoring Officer	Chief Executive
Proper Officer for the purposes of s.238 Local Government Act 1972 in relation to certification of byelaws	Monitoring Officer	Chief Executive

Proper Officer for the purposes of s.248 Local Government Act 1972 in relation to officer who will keep the Roll of Honorary Freemen	Chief Executive	Monitoring Officer
Proper Officer for the purposes of schedule 12 paragraph 4 (2) (b) Local Government Act 1972 in relation to signing the summons to a Council Meeting	Chief Executive	Monitoring Officer
Proper Officer for the purposes of schedule 12 paragraph 4 (3) Local Government Act 1972 in relation to receipt of notice about address to which summons is to be sent	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.30 (5) Local Government Act 1974 in relation to giving notice that copies of an Ombudsman's report are available	Chief Executive	Monitoring Officer
Proper Officer for the purposes of s.4.1 Local Government (Miscellaneous Provisions) in relation to certifying copies of evidence of resolutions and minutes of proceedings	Chief Executive	Monitoring Officer

<p>To act as a Proper Officer (Authorising Officer) under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (as amended by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012)</p>	<p>Head of Paid Service Solicitor to the Council Head of Service responsible for Regulatory Services Head of Service responsible for Operations Chief Finance Officer</p>	
---	---	--

1. Delegations to the Chief Executive and Head of Paid Service

	Function Delegated	Executive/Non Executive	Limits on Delegation
1.1	To exercise the powers and responsibilities of the Head of the Paid Service for the purpose of Section 4 of the Local Government & Housing Act 1989.	Non-Executive	None
1.2	<p>To take all such action as he considers appropriate in any emergency (as defined by the Chief Executive) including power to make or approve any necessary and urgent arrangements within the powers of the Council for the protection of persons or property in any civil or other emergency where it is not possible for such action to be approved through normal council procedure.</p> <p>Such action shall be reported to the next meeting of the Cabinet or Full Council (as appropriate) except where a matter of confidentiality arises and such reporting shall not take place until the expiry of the confidentiality aspect</p>	Either dependent on function	Consultation with Leader or relevant Portfolio Holder where practicable
1.3	To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, Committees or sub-committees and/or Officers acting under delegated powers.	Either dependent on function	None

1.4	To act as Proper Officer of the Council, except where legislation or this Constitution names another officer or the Council has specifically determined otherwise.	Either dependent on function	None
1.5	To settle employee and industrial relations matters, including issues involving the application or rates of pay, conditions of service or other staffing benefits etc.	Non-Executive	In consultation with the Head of Corporate Services
1.6	To determine and issue to officers policies, procedures and general guidelines for the management of human resources in the areas of recruitment and planning; training and development; employee relations; health, safety and welfare (including occupational health); pay and performance, equality of opportunity and other staff related matters.	Non-Executive	None
1.7	To affix the Council's seal to any document.	Either dependent on function	None
1.8	To discharge all functions relating to Parliamentary (including European) Elections, Police and Crime Commissioner Elections, Local Elections and National/Local Referendums, and all other prevailing legislation relating to elections.	Non-Executive	None
1.9	As Head of Paid Service, derives the following directly from Statute <ul style="list-style-type: none"> • The manner in which the discharge by the Council of its different functions is coordinated; • The number of grades of staff required by the authority for the discharge of its functions; • The reorganisation of the authority's staff and; • The appointment, dismissal and proper management of the authority's staff, other than in relation to Statutory Officers 	Non-Executive	None
1.10	To determine approved duties in respect of the Members' Allowances scheme	Non-Executive	None

1.11	To make appointments to Committees in accordance with s.16 of the Local Government and Housing Act 1989	Non-Executive	None
1.12	To exercise any delegated function in the absence of the named designated officer or nominate another	Either dependent on function	None
1.13	To sign a contract under hand which is in excess of £100,000 in value and to execute any contract to which the Common Seal of the Council is to be affixed.	Either dependent on function	None
1.14	To review allocation of functions amongst members of CMT and amend designations of Heads of Service	Non-Executive	None
1.15	Precautionary suspension of staff	Non-Executive	None
1.16	To improve the economic well-being and quality of life for our community by creating and/or retaining jobs and supporting or growing incomes and the tax base	Executive	In consultation with the Portfolio Holder

2. Delegations to Deputy Chief Executive, Monitoring Officer and Solicitor to the Council

	Function Delegated	Executive/Non Executive	Limits on Delegation
2.1	To exercise the powers and responsibilities of the Monitoring Officer for the purpose of Section 5 of the Local Government & Housing Act 1989	Non-Executive	None
2.2	To report to the Full Council, or the Cabinet in relation to an executive function, if considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.	Non-Executive	In consultation with the Head of Paid Service and s.151 Officer

2.3	To determine and issue general guidelines to Officers and Members on legal, procedural and probity issues	Either dependent on function	None
2.4	To undertake an initial assessment of code of conduct complaints and to determine what further action (if any) is appropriate in consultation with the Independent Person.	Non-Executive	None
2.5	To determine requests from members and co-opted members for dispensations where they would otherwise have a disclosable pecuniary interest in accordance with such arrangements for dealing with standards matters as are adopted by the Council from time to time	Non-Executive	None
2.6	To seek to resolve code of conduct complaints through mediation conciliation or such other action as the Monitoring Officer considers appropriate	Non-Executive	None
2.7	To constitute the membership of the Audit and Governance Hearing Panel in relation to Code of Conduct matters	Non-Executive	None
2.8	To provide advice to Cabinet, Full Council, Committee, Panel, Task and Finish Group, Member and officer of the Council regarding the scope of powers and authority to take decisions, maladministration, impropriety, probity issues	Either dependent on function	None
2.9	To allow non-commercial organisations to display the Coat of Arms of the Borough upon such terms and conditions as considers appropriate	Executive	In consultation with Mayor of the Council
2.10	To institute, conduct, defend or settle any criminal proceedings in respect of any offence which is being or has been committed under any provision of any statute, statutory instrument, byelaw or regulation made there under which the Council has a power, function, duty or discretion to enforce.	Either dependent on function	Major cases where significant expenditure will be incurred, referred to Cabinet or appropriate Committee

2.11	To institute, conduct, defend or settle any civil proceedings including arbitrations and tribunals, including major Planning Inquiries.	Either dependent on function	Major cases where significant expenditure will be incurred, referred to Cabinet or appropriate Committee
2.12	To contribute to the promotion and maintenance of high ethical standards of conduct through provision of support to the Audit and Governance Committee.	Either dependent on function	None
2.13	To seek Counsel's opinion and to instruct Counsel (or any other expert) in connection with any matter where in her opinion it is expedient to do so	Either dependent on function	None
2.14	To be responsible for the delivery of the democratic service, electoral service function and civic arrangements	Non-Executive	None
2.15	To act as the Chief Information Officer in terms of information management	Executive	None
2.16	To act as the Senior Responsible Officer for RIPA	Executive	None
2.17	The Monitoring Officer will ensure that Cabinet, Committee and Full Council decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.	Non-Executive	None
2.18	Act as the Proper Officer in relation to Access to Information, Data Protection, Freedom of Information and Environmental Information Regulations	Executive	None
2.19	To sign a contract under hand which is in excess of £10,000 but less than £100,000 in value	Executive	None
2.20	Precautionary suspension of staff	Head of Paid Service	None

2.21	To act as the Chief Executive's designated deputy where the Chief Executive is absent or incapacitated.	Head of Paid Service	None
------	---	----------------------	------

Development Management and Planning Policy

	Function Delegated	Executive/Non Executive	Limits on Delegation
2.21	<p>The processing and determination of all/any applications submitted under the Town and Country Planning Acts, Hazardous Substances Act and the Advertisement Regulations except:</p> <p>(a) In relation to any planning application, Listed Building Consent, advertisement consent and hazardous substances consent applications or submissions where an elected member has exercised the "call- in" mechanism for that matter in their own ward, within either</p> <p style="padding-left: 40px;">(i) five clear days of having been notified that an application has been the subject of valid objections on planning grounds and it will otherwise be determined under delegated powers;</p> <p>or</p> <p style="padding-left: 40px;">(ii) 14 days after having received the electronic weekly list</p> <p>or</p> <p style="padding-left: 40px;">(iii) such other time as agreed in discussion with the Development Manager and Planning Policy Manager</p> <p>Where a "call-in" is not exercised, the decision may be taken under delegation;</p> <p>or</p> <p>(b) The application is considered by the Development Manager and Planning Policy Manager to be a significant or a departure from an up to date local</p>	Non-Executive	Defined in text of delegation

	<p>plan policy or it has such public interest that it should be considered by Committee;</p> <p>or</p> <p>(c) The application relates to a proposal which is Environmental Impact Assessment development;</p> <p>or</p> <p>(d) The application has been made by a council officer, a Boston Borough Council Elected Member, Co-opted Member or an appointed Independent Person, or a contractor working undertaking work for the Council to such an extent that, in the Monitoring Officer's opinion, the matter should be brought before the Planning Committee in the interests of transparency.</p>		
2.22	Exercising all other non-executive functions relating to planning (other than those relating to planning policy), including heritage asset management.	Non- Executive	Where the call-in mechanism applies
2.23	Responsibility for proposing buildings for listing, amendments and Orders within Conservation Areas, Article 4 Directions making Tree Preservation Orders (TPOs) and determining applications for works to trees the subject of TPOs and section 211 notices for trees in Conservation Areas.	Non-Executive	Where the call-in mechanism applies
2.24	<p>To negotiate and cause to be prepared planning obligations and the imposition of conditions, including consultation with other relevant council functions except where that matter shall be considered by the Planning Committee in respect of the following:</p> <p>Planning obligations where the Heads of Terms are not consistent with or are in addition to adopted policy in respect of such obligations.</p>	Non-Executive	As set out in delegation
2.25	To impose and agree the imposition of conditions both under delegated powers but also, as necessary after consideration by the Planning Committee to effect a relevant and enforceable condition.	Non-Executive	None

2.26	The provision of pre-application advice.	Non-Executive	None
2.27	The adoption of screening and scoping opinions in relation to prospective Environmental Statements	Non-Executive	None
2.28	Responsibility for all functions relating to High Hedges legislation	Non-Executive	None
2.29	To make minor amendments or corrections (of a clerical, grammatical or editorial nature only) to the wording of conditions, obligations, reasons, informatives	Non-Executive	None
2.30	To co-ordinate and agree all Local Plan planning policy development work provided as part of the joint working agreement with South Holland District Council, inputting into the South East Lincolnshire Strategic Joint Planning Committee.	Executive	As set out in the terms of reference for the Joint Committee

3. Delegations to all Corporate Management Team

	Function Delegated	Executive/Non Executive	Limits on Delegation
3.1	To act in all matters within area of responsibility and to undertake the proper day-to-day management and control of the service area and the functions administered by that service, including staffing matters accordance with the Constitution, Council's policies and procedures	Either dependent on function	As set out in any relevant policy
3.2	To delegate, designate and authorise particular officers as for the purposes of any statutory provisions, including, where necessary or convenient, and having regard to any professional or technical requirements required, an officer who is not an employee of the Council.	Either dependent on function	None
3.3	To exercise the Council's statutory powers to enter land and premises for the purposes of inspection, survey, carrying out of any works, investigation of any matter, the taking of samples or for any other purpose for which the Council is so authorised and to give such notices as may be required.	Either dependent on function	None
3.4	To take any emergency action for the safety of the public or the protection of the property of the Council and where there is the likelihood of significant harm or damage arising, in consultation with the Chief Executive	Either dependent on function	As set out in the delegation
3.5	To prepare and submit responses to national and local consultation exercises	Executive	Consultation with relevant Portfolio Holder

3.6	To receive petitions relating to his/her functions and responsibilities, provided that the matter is reported to the next appropriate Council or Cabinet meeting.	Non-Executive	None
3.7	In accordance with the Contract Procedure Rules procure goods and services and sign contracts	Executive	As set out in the Contract Procedure Rules
3.8	Statutory Notices - to make any determination and issue any decision under statutory provisions, issue and withdraw any statutory notices or make any order relating to matters that fall within their functions and responsibilities.	Either dependent on function	None
3.9	Statutory Notices - to carry out works in default of compliance with statutory notices and orders.	Either dependent on function	None
3.10	Enforcement - To take any enforcement action including but not limited to, the issue of cautions, the issue of fixed penalty notices (but not including prosecution proceedings) in relation to matters that fall within their functions and responsibilities.	Either dependent on function	None
3.11	Significant Proceedings and Litigation – To issue any prosecutions or recovery action in relation to matters that fall within their functions and responsibilities.	Either dependent on function	In consultation with the Solicitor to the Council (except where legal services are being provided by Legal Services Lincolnshire where deemed consent will apply).
3.12	Seizure of goods – Where the legislation provides, to seize or effect the forfeiture of goods, assets and other products that fall within their functions and responsibilities.	Either dependent on function	None
3.13	In the absence of the Chief Executive, the functions of the Chief Executive and the Head of Paid Service will be the responsibility of the Deputy Chief Executive, Head of Service or Service Manager authorised for that purpose by the Chief Executive.	Either dependent on function	None

3.14	In the absence of a Head of Service, any Head of Service may discharge a delegation in that absence	Either dependent on function	As set out in the specific delegation to be exercised
3.15	To take any action in respect of lost or uncollected property found on any Council owned or managed buildings or premises under the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982	Executive	None
3.16	To make minor or consequential amendments to approved Policy where there has been a change in the legislation requiring an amendment	Either dependent on function	In consultation with the relevant Portfolio Holder or Chairman of relevant Committee and the Solicitor to the Council
3.17	To deal with any matter relating to staff including appointment, disciplinary action including dismissal and organisational restructuring other than any matter which is expressly reserved to Council or Chief Officer Employment Panel, provided that they are in accordance with approved personnel policies, procedures and within the approved budgetary framework.	Non-Executive	In consultation with the Head of Corporate Services or their HR function deputy
3.18	To sign a contract under hand which is in excess of £10,000 but less than £100,000 in value.	Either dependent upon function	
3.19	To negotiate non statutory fees that generate a net income of up to £1,000 where it would otherwise be forgone.	Either dependent upon function	Portfolio Holder
3.20	To negotiate non statutory fees that generate a net income of over £1,000 where it would otherwise be forgone.	Either dependent upon function	In consultation with s151 Officer and Portfolio Holder
3.21	To develop and promote partnership working to sustain and improve the vitality and viability of the Borough	Executive	In consultation with the Portfolio Holder

3.22	To negotiate with contractors who have been awarded contracts or leases post award	Executive	None
3.23	To draw up and issue Service Level Agreements associated with partnership working, external grants, income generation, sponsorship and other mutually agreed working arrangements.	Executive	None
3.24	To sign information sharing agreements with external partners and agencies.	Executive	In consultation with the Data Protection Officer

4. Delegations to Chief Finance Officer - s.151 Officer

	Function Delegated	Executive/Non Executive	Limits on Delegation
4.1	To act generally as the Council's Chief Finance Officer under the Local Government Act 1988 and to make the necessary arrangements for the proper administration of the Council's financial affairs for the purposes of s.151 Local Government Act 1972 and associated statutory provisions and not reserved to the Council.	Executive	Except those reserved to Full Council
4.2	To exercise appropriate delegations as necessary within the Council's Financial Procedure Rules, the Budgetary and Policy Framework Procedure Rules, Contract Procedure Rules, Council's Fraud Strategy, Corporate Governance Framework and the Council's Capital and Treasury Strategy and associated policies.	Executive	As defined in the various procedure rules

4.3	To make arrangements for the provision and operation of any treasury management, banking and insurance services including the authorisation of any transaction, signing of cheques or other financial instrument, provision of indemnities, agreement of terms for the raising, repayment or cancellation of loans, investments and leases.	Executive	As defined in various procedure rules
4.4	To make arrangements for the collection of Business Rates and Council Tax including any prosecution and enforcement and the determination of any discretionary reliefs.	Executive	As defined in various procedure rules
4.5	To administer the Council Tax Support Scheme, including the determination of any discretionary elements within approved policy.	Executive	None
4.6	To undertake accounting and other associated work on a chargeable basis where appropriate, for other public bodies as defined in the Local Authority (Goods and Services) Act 1970 or pursuant to arrangements under the Local Government Act 1972.	Executive	None
4.7	To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members and will support and advise Members and officers in their respective roles.	Either dependent on function	None
4.8	To provide financial information to the media, members of the public and the community subject to the provisions in respect of confidentiality.	Executive	None
4.9	To contribute to the corporate management of the Council, in particular through the provision of professional financial advice.	Either dependent on function	None
4.10	To be the nominated Officer for the Council under the Money Laundering Regulations 2003	Executive	None
4.11	To determine and approve the Council Tax base.	Executive	None

4.12	If necessary to make reports to Council under s114 of the Local Government Finance Act 1988	Non-Executive	In consultation with the Head of Paid Service and Monitoring Officer
4.13	To sign a contract under hand which is in excess of £10,000 but less than £100,000 in value	Executive	None
4.14	To take any action to recover debts due to the Council and to write-off any outstanding sums owed to the Council up to £5,000 in respect of each debt, or to an unlimited amount in respect of any debt where the debtor is bankrupt or in liquidation	Executive	As set out in delegation

5. Delegations to the Head of Service with Responsibility for Regulatory Services

Housing

	Function Delegated	Executive/Non Executive	Limits on Delegation
5.1	Ensure the Council's duties and obligations in relation to homelessness and the operation of the Council's allocation scheme are fulfilled	Executive	None
5.2	Manage all forms of temporary accommodation in connection with the Council's homelessness duties including entering into lease agreements and service of any related notices	Executive	None
5.3	Ensuring that private sector housing standards are achieved, in particular as they relate to houses in multiple occupation and unfit dwellings other homes that contain hazards	Executive	None

5.4	Operation of the Council's grant systems for disabled facilities, private sector renewal, community grants, core grants and all other relevant grant schemes for which the Council is responsible	Executive	None
5.5	Perform the Council's duties and obligations in connection with private sector housing	Executive	None
5.6	The management of Gypsy and traveller caravan sites	Executive	None
5.7	Ensure that the Council's Strategic Housing Functions are all fully discharged	Executive	None

Environmental Health

	Function Delegated	Executive/Non Executive	Limits on Delegation
5.8	<p>To issue licences, permits, approvals, consents, notices and registrations (with conditions where appropriate) and refuse, suspend, amend, revoke or transfer the same (unless statutory provisions prohibit such delegation) in respect of the following, but not limited to those listed, functions:</p> <ul style="list-style-type: none"> • Food Safety • Caravans • Environmental Permitting • Business for which the Council has Health and Safety Legislative enforcement responsibility as defined by the prevailing Health and Safety legislation • Port Health including ship sanitation 	<p>Non-Executive</p> <p>Non-Executive</p> <p>Non-Executive</p> <p>Non-Executive</p> <p>Non-Executive</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>

	<ul style="list-style-type: none"> • Pollution Control - including noise, air, land, water and private drainage • Infectious diseases and the prevention of the spread of infection <p>In accordance with Council Policy and all prevailing legislation.</p>	Executive	None
5.9	To be responsible for the provision of a dog warden service	Executive	None
5.10	To be responsible for the control of infectious diseases	Executive	None
5.11	To be responsible for the Council's Emergency Environmental Health Response Service	Executive	None

Community Safety

5.12	All aspects of community safety and crime and disorder reduction, including the CCTV service	Executive	None
5.13	To be responsible for taking action to remove all unauthorised persons, vehicles and appurtenances from Council owned land	Executive	None

Building Control

	Function Delegated	Executive/Non Executive	Limits on Delegation
5.14	To determine applications under the Building Regulations – Building Act 1984 S16 and any prevailing legislation.	Non-Executive	None
5.15	To maintain a register of Initial Notices and associated certificates given to and accepted/ rejected by the local authority under the Building Act S47-55 – Building Act S56.	Non-Executive	None
5.16	To maintain a register of notices and certificates given to the local authority under Regulation 20 (Provisions applicable to self-certification schemes).	Non-Executive	None
5.17	To discharge the functions of the Council (as the “building authority”) in relation to safety certificates for sports grounds – Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.	Non-Executive	None
5.18	The setting of charges in relation to Building Regulations chargeable activities – The Building (Local Authority Charges) Regulations 2010	Executive	In consultation with s.151 Officer

Licensing and Local Land Charges

	Function Delegated	Executive/Non Executive	Limits on Delegation
5.19	<p>To issue licences, permits, approvals, consents, notices and registrations (with conditions where appropriate) and refuse, suspend, amend, revoke or transfer the same (unless statutory provisions prohibit such delegation) in respect of the following, but not limited to those listed, functions:</p> <ul style="list-style-type: none"> ○ Hackney carriages and private hire – vehicles, drivers and operators ○ Provision of alcohol and entertainment and late night refreshments ○ Gambling ○ Lotteries ○ Sex Establishments and sexual entertainment venues ○ Street Trading ○ Charitable Street Collections ○ House to house collections ○ Skin Piercing, tattooing, acupuncture and electrolysis ○ Animals - Establishments and Control ○ Scrap Metal Dealers ○ Sunday Trading 	<p>Non-Executive</p> <p>Executive</p>	<p>As set out in the body of the delegation</p>

	<p>In accordance with Council Policy and all prevailing legislation.</p> <p>If there are objections or a call in by a Member prior to the determination by an officer of a matter delegated under this paragraph, the matter will be brought back to the Licensing or Regulatory Appeals Committee or relevant sub-committee for determination.</p> <p>Any other licensing or regulatory matter not specifically listed above will be deemed to be subject to the same delegations and the advice of the Monitoring Officer shall be sought as to whether the matter is Executive or Non-Executive.</p>		
5.20	To suspend or revoke a Hackney Carriage / Private Hire Drivers Licence with immediate effect in the interests of public safety	Non-Executive	In consultation with the Chairman of the Regulatory Appeals Committee and Solicitor to the Council
5.21	To maintain the Local Land Charges Register and deliver all associated functions	Executive	None
5.22	To authorise applications for permission for car boot sales	Executive	None

Safeguarding

	Function Delegated	Executive / Non Executive	Limits on Delegation
5.23	To ensure that the Council is compliant with all statutory safeguarding duties, that appropriate policies are in place and that all staff, elected members and volunteers are appropriately trained.	Executive	Policy changes in consultation with Portfolio Holder

Emergency Planning and Business Continuity

	Function Delegated	Executive / Non Executive	Limits on Delegation
5.24	To ensure that the Council is compliant with all statutory emergency planning and business continuity duties and that appropriate policies are in place and that all staff and elected members are appropriately trained.	Executive	

6. Delegations to the Head of Service with responsibility for Environmental Operations

	Function Delegated	Executive/Non Executive	Limits on Delegation
6.1	To exercise powers under the Refuse Disposal (Amenity) Act 1978 including powers of entry on to land, removal and disposal of abandoned vehicles, recovering expenses and taking enforcement action in respect of fly tipping and illegal depositing of controlled waste.	Executive	None
6.2	To exercise powers under the Environmental Protection Act 1990 and any other prevailing legislation to arrange the collection of household waste, recycling, provide receptacles etc.	Executive	None
6.3	Authority to apply for Environmental Permits for relevant waste management facilities.	Executive	None
6.4	Authority to undertake the Council's functions as a Principal Litter Authority to provide and manage a Street Cleansing service exercising the powers under the Environmental Protection Act 1990 Part 4 S.89 and any other prevailing legislation	Executive	None
6.5	To enter into contracts in relation to refuse collection, recycling, waste management, grounds maintenance and street cleansing.	Executive	None

6.6	To enter into agreements on behalf of the Council to collect commercial waste from the holder of the waste.	Executive	None
6.7	To determine and implement a reasonable charge in relation to the collection of commercial waste from the holder of the waste and for other wastes which do not form part of a statutory duty to collect, e.g. garden waste.	Executive	In consultation with the s.151 Officer
6.8	To provide, maintain and manage parks, cemeteries, open spaces, recreation grounds, outdoor play areas, roadside verges and other amenity areas.	Executive	None
6.9	To propose adoption of land to provide and manage public open spaces, recreation grounds, play equipment.	Executive	In consultation with Portfolio Holder and Corporate Asset Manager
6.10	To enter into agreements for the letting and licensing of land for the purposes of events, pleasure fairs.	Executive	None
6.11	To acquire land other than adoption, for the provision of public walks, pleasure grounds and open spaces and to manage and control them.	Executive	In consultation with Portfolio Holder and Corporate Asset Manager
6.12	To ensure that the Council is compliant in all respects with the duties contained in our Goods Vehicles Operators Licence and the requirements imposed by the Traffic Commissioners and that appropriate resources, policies and staff training are in place.	Executive	None

Bereavement Services

	Function Delegated	Executive/Non Executive	Limits on Delegation
6.12	To undertake the Council's functions as a Burial Authority as defined under the Local Government Act 1972, Section 214, the Local Authorities Cemeteries Orders	Executive	None

	1977 and 1986 and Burial Acts 1852 to 1885 (and any amendments thereto) and any prevailing legislation.		
6.13	To undertake the Council's functions as a Cremation Authority as defined under the Cremation Acts 1902 and 1952, Cremation Regulations 1930, Cremation (England & Wales) Regulations 2008 the Environmental Protection Act 1990, and the Environmental Permitting (England and Wales) Regulations 2010 (and any amendments thereto).	Executive	None
6.14	The day to day operation of the Council's Crematorium and Cemeteries, both legal and functional.	Executive	None
6.15	To issue, sign, extinguish, transfer, assign and rectify Exclusive Rights of Burial in the Council's Cemeteries as defined under The Local Authorities Cemeteries Order 1977, Cemetery Clauses Act 1847 and Statutory Declarations Act 1835 (and any amendments thereto).	Executive	None
6.16	To Implement and take decisions, relating to the Council's Cemeteries & Crematorium Regulations.	Executive	None
6.17	To make decisions in accordance with the Memorial Masons Registration Schemes. BRAMM and RQMF.	Executive	None
6.18	To make decisions and take appropriate action in respect of unsafe memorials in the Council's Cemeteries and the Memorial Safety Policy, under the Local Authorities Cemeteries order 1977 and Health & Safety at Work Act 1974.	Executive	None
6.19	To compile and recommend Cemetery & Crematorium Fees & Charges.	Executive	In consultation with s.151 Officer
6.20	To collect, receipt, supervise collection of, collate, bank and oversee the security of all income received in relation to the Council's Cemeteries and Crematorium.	Executive	None

7. Delegations to the Head of Service designated with responsibility for Corporate Services

	Function Delegated	Executive/Non Executive	Limits on Delegation
7.1	To discharge any delegations from the Head of Paid Service in connection with the employer and employee functions of the Council, in consultation with the Head of Paid Service as required	Non-Executive	As set out in the delegation
7.2	To be responsible for the Council's transformation programme and where appropriate, consultation with the relevant CMT member and/or Portfolio Holder	Executive	As set out in the delegation
7.3	To be responsible for the Council's Communication arrangements including use of social media and relationships with the media Where press releases are to be issued in respect of Council Policy, in consultation with the relevant CMT member, Portfolio Holder, Chairman of Committee or ward member when appropriate Responding to enquiries from the media in relation to council policy, and where appropriate in consultation with the relevant member of CMT	Executive	As set out in the delegation
7.4	To be responsible for the Council's payroll system and all associated functions	Executive	None
7.5	To be responsible for the provision of customer services, including complaints management in accordance with the Corporate Complaints Policy and Procedures and Quarterly Monitoring, including the Local Government Ombudsman matters and referral of any maladministration of Full Council where required	Executive	None
7.5	To be responsible for Customer Services and ICT, including developing new customer access channels	Executive	

8. Delegations to the Deputy s.151 Officer

	Function Delegated	Executive/Non Executive	Limits on Delegation
8.1	To discharge any delegations from the s.151 Officer as necessary within the Council's Financial Procedure Rules, the Budgetary and Policy Framework Procedure Rules, Contract Procedure Rules, Council's Fraud Strategy, Corporate Governance Framework and the Council's Capital and Treasury Strategy and associated policies	Executive	As defined in the various procedure rules

9. Delegations to the Head of Service with responsibility for Place and Space

	Function Delegated	Executive/Non Executive	Limits on Delegation
9.1	The management and development of all Sports, Play & Leisure Facilities and Services including the exclusion of persons from such premises as necessary	Executive	None
9.2	Authority to negotiate with contractors who have been awarded contracts as a result of competitive tendering or leases post award	Executive	None
9.3	Authority to vary leisure centre/sports ground fees and charges for periods of promotion and events	Executive	None
9.4	Authority to draw up and issue Service Level Agreements associated with partnership working, income generation and sponsorship having regard to the Partnership Protocol	Executive	None

9.5	To grant leases for leisure and sport concessions	Executive	In consultation with Portfolio Holder, Director and Corporate Asset Manager
-----	---	-----------	---

Arts, Heritage and Tourism

	Function Delegated	Executive/Non Executive	Limits on Delegation
9.6	Identification, development and mobilisation of projects to maintain and/or increase the heritage offer for Boston.	Executive	None
9.7	To be responsible for the museum and collection and the provision of the various facilities and activities at this site and any other connected site.	Executive	None
9.8	To co-ordinate, liaise and provide authority input into the development of Boston and its surrounds as a visitor destination with private sector and external partners.	Executive	None
9.9	To provide the visitor information service.	Executive	None
9.10	To co-ordinate, liaise and authority input into the development of Arts initiatives with external partners and agencies in accordance with the Council's Partnership Protocol.	Executive	None

Partnership Working

	Function Delegated	Executive/Non Executive	Limits on Delegation
9.11	To develop and promote partnership working to sustain and improve the vitality and viability of the Borough, including health and well-being initiatives, environmental enhancements and Carbon Management	Executive	In consultation with the Portfolio Holder
9.12	The management of the Council Allotments and Markets	Executive	None
9.13	To discharge all functions relating to the Civil Parking Regulations and all prevailing legislation	Executive	None

Property Services and Facilities Management

	Function Delegated	Executive/Non Executive	Limits on Delegation
9.19	To manage the Council's land and buildings having regard to all prevailing legislative requirements, including setting rents and charges and carrying out rent reviews.	Executive	None
9.20	To agree terms and enter into leases at Market Rent of land and buildings and to negotiate and agree all new and ongoing terms relating to such agreements.	Executive	Consultation with PH
9.21	Disposal of land and building – to agree terms and sell any land or buildings of the council at Market Value up to a value of £50,000 which are declared surplus to requirements in accordance with criteria and procedures agreed from time to time by the Cabinet	Executive	Consultation with PH and relevant ward members

9.22	Acquisition of land - To agree terms and acquire the freehold or leasehold of any land and buildings where the estimated Market Value of the freehold £50,000 or annual rent does not exceed £5,000	Executive	Consultation with Portfolio Holder
9.23	To be responsible for the provision of a property advisory service to the Council	Executive	None
9.24	To maintain the register of community assets and the register of unsuccessful applications, and to serve all necessary notices in connection with the Community Right to Bid process.	Executive	Consultation with the Portfolio Holder and relevant ward members
9.14	To oversee and implement all matters pertaining to the operation of the Public Toilets and Public buildings cleaning & caretaking	Executive	None
9.15	The day to day operation, maintenance and cleanliness of the Public Toilets.	Executive	None
9.16	The day to day caretaking operation and cleanliness of the Public buildings - Municipal Buildings & Guildhall.	Executive	None
9.17	To supervise collection of, collate, bank and oversee the security of all income received in relation to the Council's Public Toilets.	Executive	In Consultation with s.151 Officer
9.18	To organise the collection and security of all income received at the Council's Public Toilets.	Executive	None