



**MIDDLESBROUGH
BOROUGH COUNCIL**

**FULL OFFICER SCHEME OF
DELEGATION**

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Title	Middlesbrough Council Scheme of Delegation			
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OFFICER SCHEME OF DELEGATION – FULL DETAILS

The Elected Mayor and Council agree that all decisions set out in this Scheme are delegated to officers, unless one of the following exceptions apply:

Where the power is otherwise excluded from delegation by the Middlesbrough Council Scheme of Delegation or the Constitution;

Where key decisions are expressly delegated by the Elected Mayor or Executive to an Officer in an Executive decision (such delegations will be recorded in the Minutes of the meeting (and maintained by Democratic Services));

The Elected Mayor (or Executive) decides to make a decision delegated to officers under this Scheme (S.9E(7) of the 2000 Act);

The Elected Mayor (only) may agree individual delegations outside of this Scheme for reasons of urgency or otherwise protecting the Council's interests. Such delegations will be recorded in writing and sent to the Monitoring Officer (or his / her delegate).

Where the Council decides to make a non-executive decision delegated to officers under this Scheme and / or decides to delegate the decision to a committee.

The Elected Mayor and Council authorises all Officers with delegated powers under this Scheme of Delegation power to delegate any or all of their powers to other Officers within their Service Area (or in the case of the Chief Executive, any Officer), save where prohibited by law. The Elected Mayor and Council have the right to withdraw or amend delegated powers where the Elected Mayor and / or Councils powers permanently or for a fixed period to one or more Service Area considers it appropriate to do so.

Definitions

There are some functions that the authority may treat as the responsibility of the Executive (in part or whole) or as Council (non-executive functions), at its discretion.

The following roles appear in this scheme:

- The **Chief Executive** shall be the Head of Paid Service and the Council's "Proper Officer" and shall, where permissible by law, discharge any functions delegated to another officer including all civic and ceremonial functions, and is referred to in this Constitution as "the **Head of Paid Service**";
- The **Director of Finance** shall be the Council's Section 151 Officer and Chief Finance Officer, and is referred to in the Constitution as "the **Chief Finance Officer**";
- The **Director of Legal and Governance Services** shall be the Monitoring Officer, and is authorised to sign or authorise other officers to sign all documents and agreements on behalf of the Council, is authorised to amend

the Senior Management Structure and associated job titles, and is referred to in this Constitution as “the **Monitoring Officer**”; and

- Collectively, the Head of Paid Service and Directors are referred to as the Leadership Management Team.

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Officer Delegation – Head of Paid Service

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Responsibility to the authority for all aspects of operational management	Chief Executive				<ul style="list-style-type: none"> • Article 12 – Constitution • Statutory provisions • Scheme of delegations • CE Job Description
	That authority be delegated to the Chief Executive and/or the Mayor of the Council to finalise, conclude and agree matters, including minor changes to the agreement(s) in respect of Tees Valley ERF Project - Inter Authority Agreement and Commencement of Procurement Process.	Chief Executive				Constitution Executive – 14 July 2020
	Strategic Plan 2021-24 - That the delegation of approval for minor amendments to in-quarter timescales to the Chief Executive be agreed. Any significant variation to approach or deliverables would be reported to, and seek approval via, the quarterly Strategic Plan progress reports to Executive.	Chief Executive				Executive – 27 May 2021

	Ability to authorise Special Severance Payments of amounts between £20,000 and £100,000	Chief Executive				Sections 3 and 26 of the Local Government Act 1999.
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Officer Delegation – Director Legal & Governance

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Delegated authority to authorise any variation from the agreed price of less than £150,000 if required in respect of the Disposal of the Council’s freehold interest in land at Beechwood	Director of Legal and Governance				Council’s Asset Disposal Policy Executive – 17 March 2020
	Ability to authorise Special Severance Payments of up to £20,000.	Director of Legal and Governance				Sections 3 and 26 of the Local Government Act 1999.

Officer Delegation – Monitoring Officer

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, staff and the public.		The Head of Democratic Services			
	Minor amendments may be made by the Monitoring Officer to ensure that the Constitution complies with all relevant legislation, together with such other amendments as the Monitoring Officer may be authorised to make by Council.	The Monitoring Officer				
	After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council (in relation to a Council function) or to the Executive (in relation to an Executive function) if they consider 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	The Monitoring Officer				

	proposal or decision being implemented until the report has been considered.					
	The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.	The Monitoring Officer/Deputy Monitoring Officers				
	In accordance with the standards procedure, the Monitoring Officer will conduct or secure investigations into complaints under the Councillors' Code of Conduct and make reports or recommendations in respect of them to the Standards Committee.	The Monitoring Officer/Deputy Monitoring Officers				
	The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.	The Monitoring Officer				
	The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.	The Monitoring Officer				

	The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the Elected Mayor.	The Monitoring Officer				
	The Monitoring Officer, or some other person authorised by them, is also responsible for Corporate Complaints and Ombudsman cases		Corporate Complaints Manager			
	The Monitoring Officer, or some other person authorised by them, is also responsible for Whistleblowing	The Monitoring Officer				
	The Council's Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.	The Monitoring Officer				
	Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the	The Monitoring Officer/	Specified Officers in			

	Monitoring Officer or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.		Legal Services			
	Power to instigate criminal proceedings	The Monitoring Officer	Specified Officers in Legal Services			

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Officer Delegation – Returning Officer

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Duty to divide constituency into polling districts.	The Returning Officer				Section 18 of the Representation of the People Act 1983. Constitution
	Power to divide electoral divisions into polling districts at local government elections	The Returning Officer				Section 31 of the Representation of the People Act 1983. Constitution
	Powers in respect of holding of elections	The Returning Officer				Section 39(4) of the Representation of the People Act 1983. Constitution
	Power to pay expenses properly incurred by electoral registration officers.	The Returning Officer				Section 54 of the Representation of the People Act 1983. Constitution
	Power to fill vacancies in the event of insufficient nominations.	The Returning Officer				Section 21 of the Representation of the People Act 1985. Constitution

	Duty to declare vacancy in office in certain cases	The Returning Officer				Section 86 of the Local Government Act 1972. Constitution
	Duty to give public notice of a casual vacancy	The Returning Officer				Section 87 of the Local Government Act 1972. Constitution
	Power to make temporary appointments to parish councils.	The Returning Officer				Section 91 of the Local Government Act 1972. Constitution
	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	The Returning Officer				Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215). Constitution
	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	The Returning Officer				Section 10 of the Representation of the People Act 2000 (c.2). Constitution
	Duty to consult on change of scheme for elections	The Returning Officer				

	Duties relating to publicity	The Returning Officer				
	Duties relating to notice to Electoral Commission	The Returning Officer				
	Power to alter year of ordinary election of parish councillors	The Returning Officer				
	Functions relating to change of name of electoral area	The Returning Officer				

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Officer Delegation – Human Resources

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	To review management structures and make changes within budget thereto short of major re-structuring and to appoint all staff below Director grade.					
	The discipline (including dismissal) of employees subject to and in accordance with the approved disciplinary and capability policies and procedures of the Council.					
	To determine numbers, grades and designation of posts and to appoint or promote within their respective departments all staff up to the prescribed salary grade within the establishment.					
	Determination of personal applications for regrading.					
	Clearance of vacant posts.					
	Agreement to offer a starting salary within the grade but which is above					

	the minimum					
	Authorisation of accelerated increments and progression within banded, career or trainee grades provided the appropriate maximum is not exceeded.	-----				
	Authorisation of temporary additional duties payments and honoraria in accordance with the National Agreement for Local Government Employees and related Local Agreements.	-----				
	Designation of posts as car users.	-----				
	Approval of paid special leave not exceeding twenty one working days.	-----				
	Approval of paid special leave of between one and four weeks.					
	Approval of unpaid special leave of up to four weeks except where the absence is for maternity reasons in which case the Chief Officer may approve a longer period subject to personnel advice.					

	To grant leave of absence with or without pay to employees for purposes authorised by the appropriate conditions of service e.g. Magisterial duties, trade union activities.					
	Ex-gratia payments for loss of or damage to clothing and personal effects of up to £160.					
	Calculations and payment of retirement gratuities in accordance with the local scheme.					
	Approval of extensions of service beyond the normal retirement age.					
	Approval of expenses related to relocation of new employees where discretion is needed within the overall scheme.					
	Authorisation of planned overtime payments to employees on senior officer grade and above.					
	Approval of early retirement/voluntary redundancy of officers on terms in					

	accordance with Council policy					
	To exercise the powers in the various conditions of service so far as discipline is concerned and to decide in cases where an employee leaves without giving appropriate notice whether or not the salary or wage or accrued annual holiday pay should be withheld.					
	Develop and implement Authority's payroll system and monitor operation where devolved.					
	Co-ordinate and manage financial transactions with - Pension Funds, Inland Revenue, Charities					
	To monitor the effectiveness of corporate and departmental training policies and programmes.					
	Negotiation, Agreement and Signing of Contracts in respect of funded training initiatives.					
	Issue of appropriate notices to the relevant government department in respect of potential and actual redundancy situations within the					

	Council.					
	To halt operational activity by any Council employees or its contractors/sub-contractors in instances of significant risk to the health, safety and welfare of employees or the public.					
	To appear on behalf of the Council in any Tribunal, Hearing or Inquiry on any matter relating to the business of the Council.					
	Determine whether a member is entitled to an ill health retirement pension, and what tier of benefit to be awarded	Head of HR in consultation with the Director of Finance				Executive – 11 July 2019

Officer Delegation – Finance

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	That the completion of acquisitions on the identified properties listed under the Town Centre Acquisition report be delegated to the Executive Director of Growth and Place and the Strategic Director of Finance, Governance and Support, in consultation with the Executive Member for Regeneration and the Executive Member for Finance and Governance within the parameters of the report.	The Director of Finance				Future High Streets Fund (FHSF) (Executive Decision – 20 December 2019)
	That any changes to the delivery programme and the annual profiling of funding in respect of Rail Station and Historic Quarter - High Street Heritage Action Zone, where necessary to maximise the match funding secured by Historic England (as requested/approved by Historic England) be delegated to the Executive Director of Growth and Place, and Director of	The Director of Finance				Funding from Historic England (as part of the Future High Streets Fund) to make the Historic Quarter a High Street Heritage Action Zone (HSHAZ) (Executive – 17 March 2020)

	<p>Finance, Governance and Support in consultation with the Executive Member for Regeneration and the Executive Member for Finance and Governance.</p>				
	<p>Delegated authority to approve any future similar schemes or modifications to schemes such as the Discretionary Hardship Policy to be given to the Director of Finance, Governance and Support as Section 151 Officer.</p>	<p>The Director of Finance</p>			<p>Section 31 of the Local Government Finance Act 2003 (Individual Executive Member Decision – The Mayor – 18 May 2020)</p>
	<p>After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council (in relation to a Council function) or to the Executive (in relation to an Executive function) if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.</p>	<p>The Director of Finance</p>			

	The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.	The Director of Finance				
	The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.	The Director of Finance				
	The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the Elected Mayor and will support and advise councillors and officers in their respective roles.	The Director of Finance				
	The Chief Finance Officer will provide appropriate financial information to the media, members of the public and the community.	The Director of Finance				
	That the surrender of an existing option, and subsequent disposal of land at Middlehaven on mirror terms to MDC be actioned in order to facilitate the delivery of the Boho Village development and that the Director of Finance be granted delegated authority to authorise	The Director of Finance				(Executive – 1 September 2020)

	any variation from the existing option terms, if required.					
	That the Additional Restrictions Grant (ARG) Discretionary Scheme in response to the business support announcement by Central Government on 22 October be approved. The scheme provides essential financial support to businesses who have not been able to access support from the Local Restrictions Support Grant. That the Section 151 Officer be given delegated authority to approve any future modifications to the scheme/policy.	The Director of Finance				(Executive Member for Finance and Governance – 10 December 2020)
	The day to day management and administration of Teesside Pension Fund matters including ensuring arrangements for investments of assets and administration of contributions and benefits, excluding matters delegated to the Teesside Pension Fund Committee	The Director of Finance	Head of Pensions, Governance and Investments			Teesside Pension Fund Committee
	Border to Coast function: a) The nominated officer to meet and resolve any Deadlock Situation as per Clause 10 of the Shareholder Agreement	Director of Finance				

	The nominated officer to consider and resolve any Dispute as per Clause 13 of the Inter Authority Agreement				
	Council Future Accommodation – Fountains Court. A delegated decision to the Director of Regeneration and Culture, Richard Horniman, and the Director of Finance, Ian Wright, with regard to expending the £200,000 contingency set aside in the investment strategy, should it be required.	Director of Regeneration and Culture and the Director of Finance			(Executive – 16 March 2021)
	Land at St David's Way - Proposed Freehold Disposal [PART B] - That the Director of Finance should have Delegated Authority to authorise any variation from the agreed price of less than £150,000 if required.	The Director of Finance			(Executive – 13 July 2021)
	Delegated authority be provided to the Section 151 Officer to approve any future modifications to the Corporate Crisis Policy.	Section 151 Officer			(Executive – 11 Jan 2022)
	Delegated authority to approve any future similar schemes or modifications to the Corporate Debt Write Off Policy.	Section 151 Officer			(Council – 26 January 2022)

	<p>Fountain Court Refurbishment – Phase Two Works</p> <p>That approval for the award of the phase two refurbishment works contract be delegated to the Director of Regeneration and Culture, Richard Horniman and Director of Finance, Ian Wright.</p>	<p>Director of Regeneration and Culture, and Director of Finance,</p>			<p>(Executive - 8 March 2022)</p>
	<p>Delegated authority to revise the Council's Section 13A (1) (a) Exceptional Hardship Fund policy or any future similar schemes or modifications to schemes.</p>	<p>Director of Finance as Section 151 Officer</p>			<p>Section 13 A (1) (a) of the Local Government Finance Act 1992</p> <p>(Executive Member for Environment, Finance and Governance Individual Member meeting – 26 April 2022)</p>
	<p>Ability to authorise Special Severance Payments of up to £20,000.</p>	<p>Director of Finance</p>			<p>Sections 3 and 26 of the Local Government Act 1999.</p>
	<p>Effective 1 August 2022 to 31 January 2023 - EXPIRED</p> <p>Delegated authority to make any modifications or changes currently delegated to the S151 Officer where it relates to work undertaken in Resident and Business Support/Policy Originator (grants, discretionary schemes etc.)</p>		<p>Head of Resident and Business Support</p>		<p>Delegation afforded to Director of Finance and the Constitution.</p>

	Effective 1 August 2022 to 31 January 2023 - EXPIRED Sign off of any Memorandums of Understanding that relate to Resident and Business Support.		Head of Resident and Business Support			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval to sign any financial returns for grants relating to Resident and Business Support where S151 approval is not mandatory		Head of Resident and Business Support			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval to sign any government returns relating to Resident and Business Support where S151 approval is not mandatory		Head of Resident and Business Support			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval of variations Business world transaction approval threshold relating to Resident and Business support.		Head of Resident and Business Support			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Sign off of Assurance, Security – anything DWP related where this relates to Resident and Business Support.		Head of Resident and Business Support			Delegation afforded to Director of Finance and the Constitution.

	Effective 1 August 2022 to 31 January 2023 - EXPIRED Act as Project Sponsor for the Digital Inclusion Strategy and chair the Digital Inclusion Board		Head of Resident and Business Support			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Act as Sponsor for the Investigation Strategy.		Head of Resident and Business Support			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval for BPSS security checks for data sharing standards.		Head of Resident and Business Support			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Sign off of Asset Disposal Business Cases		Head of Service for Commissioning and Procurement			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Monthly review and sign off of Asset Disposal Control Sheet and Asset Acquisition Control Sheet		Head of Service for Commissioning and Procurement			Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED		Head of Service for			Delegation afforded to Director of Finance and the Constitution.

	Approval to sign any financial returns for grants relating to Commissioning and Procurement where S151 approval is not mandatory		Commissioning and Procurement		
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval to sign any government returns relating to Commissioning and Procurement where S151 approval is not mandatory		Head of Service for Commissioning and Procurement		Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval of extensions to Procurement Exemptions		Head of Service for Commissioning and Procurement		Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval of Delegated Authority forms for asset transactions valued between £50k - £150k		Head of Service for Commissioning and Procurement		Delegation afforded to Director of Finance and the Constitution.
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval of Decisions on 3% local earmarked expenditure from eligible capital receipts in		Head of Service for Commissioning and Procurement		Delegation afforded to Director of Finance and the Constitution.

	consultation with the executive member and ward Councillors				
	Effective 1 August 2022 to 31 January 2023 - EXPIRED Approval of variations to Business world transaction approval thresholds relating to Commissioning and Procurement		Head of Service for Commissioning and Procurement		Delegation afforded to Director of Finance and the Constitution.
	That delegated authority be provided to the Director of Finance, as Section 151 Officer, to approve any future revisions to the Welfare Strategy.	Director of Finance			Executive Decision 12 th July 2022
	That delegated authority to approve any future revisions/modifications to the strategy be provided to the Head of Resident and Businesses Support and the Director of Regeneration.	Director of Regeneration	Head of Resident & Business Support		Executive Decision 8 th November 2022

Procurement and Commissioning						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	That any variance to the terms of the option and sale in respect of TAMP be delegated to the Head of Strategic Commissioning and Procurement, aside from the terms and conditions set out at iii. a. to e. inclusive.		Head of Commissioning and Procurement			Executive - 14 July 2020

Officer Delegation – Regeneration

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Power to determine applications for planning permission.		Head of Planning			Town and Country Planning Act 1990 Sections 70(1)(a) and (b) and 72 Constitution Functions relating to town and country planning and development control
	Power to determine applications to develop land without compliance with conditions previously attached.		Head of Planning			Town and Country Planning Act 1990 Section 73 Constitution Functions relating to town and country planning and development control
	Power to grant planning permission for development already carried out.		Head of Planning			Town and Country Planning Act 1990 Section 73A(1) Constitution Functions relating to town and country planning and development control

	Power to decline to determine applications for planning permission.		Head of Planning			Town and Country Planning Act 1990 Section 70A
	Duties relating to the making of determinations of planning applications.		Head of Planning			Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder. Constitution Functions relating to town and country planning and development control
	Power to determine application for planning permission made by a local authority, alone or jointly with another person.		Head of Planning			Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 Constitution Functions relating to town and country planning and development control
	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.		Head of Planning			Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).

						Constitution Functions relating to town and country planning and development control
	Power to enter into agreement regulating development or use of land.		Head of Planning			(S.106 TCP Act 1990) Constitution Functions relating to town and country planning and development control
	Power to issue a certificate of existing or proposed lawful use or development.		Head of Planning			Town and Country Planning Act 1990 Sections 191(4) and 192(2) Constitution Functions relating to town and country planning and development control
	Power to serve a completion notice.		Head of Planning			(S.94(2) TCP Act 1990) Constitution Functions relating to town and country planning and development control
	Power to grant consent for the display of advertisements.		Head of Planning			Town and Country Planning Act 1990 Section 220 Town and Country Planning (Control of Advertisements) Regulations 1992(5).

						Constitution Functions relating to town and country planning and development control
	Power to authorise entry onto land.		Head of Planning			(S196A TCP Act 1990) Constitution Functions relating to town and country planning and development control
	Power to require the discontinuance of a use of land.		Head of Planning			Section 102 of the Town and Country Planning Act 1990 Constitution Functions relating to town and country planning and development control
	Power to serve a planning contravention notice, breach of condition notice or stop notice.		Head of Planning			Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990 Constitution Functions relating to town and country planning and development control
	Power to issue an enforcement notice.		Head of Planning			Section 172 of the Town and Country Planning Act 1990 Constitution Functions relating to town and country planning and development control

	Power to apply for an injunction restraining a breach of planning control.		Head of Planning		Section 187B of the Town and Country Planning Act 1990 Constitution Functions relating to town and country planning and development control
	Power to determine applications for hazardous substances consent, and related powers.		Head of Planning		Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 Constitution Functions relating to town and country planning and development control
	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.		Head of Planning		Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act. Constitution Functions relating to town and country planning and development control
	Power to require proper maintenance of land.		Head of Planning		(S.215(1) TCP Act 1990)

						Constitution Functions relating to town and country planning and development control
	Power to determine application for listed building consent, and related powers.		Head of Planning			Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c. 9). Constitution Functions relating to town and country planning and development control
	Power to determine applications for conservation area consent		Head of Planning			Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act (10). Constitution Functions relating to town and country planning and development control
	Duties relating to applications for listed building consent and conservation area consent.		Head of Planning			Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and

						<p>Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.</p> <p>Constitution Functions relating to town and country planning and development control</p>
	Power to serve a building preservation notice, and related powers.		Head of Planning			<p>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p> <p>Constitution Functions relating to town and country planning and development control</p>
	Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.		Head of Planning			<p>Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p> <p>Constitution Functions relating to town and country planning and development control</p>
	Powers to acquire a listed building in need of repair and to serve a repairs notice.		Head of Planning			<p>Sections 47 and 48 of the Planning (Listed Buildings and</p>

					Buildings in Conservation Areas) Act 1990. Constitution Functions relating to town and country planning and development control
	Power to apply for an injunction in relation to an unlisted listed building.		Head of Planning		Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990(11). Constitution Functions relating to town and country planning and development control
	Power to authorise stopping up or diversion of highway		Head of Economic Growth and Infrastructure		(s.247 TCPA 1990) Constitution Functions relating to town and country planning and development control
	Power to execute urgent works.		Head of Planning		(S.54 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990. Constitution Functions relating to town and country planning and development control

	Powers relating to the protection of important hedgerows		Head of Planning			The Hedgerows Regulations 1997 (S.I. 1997/1160). Constitution Part II Other Miscellaneous functions
	Powers relating to the preservation of trees		Head of Planning			Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892). Constitution Part II Other Miscellaneous functions
	Powers relating to complaints about high hedges		Head of Planning			CHECK Constitution Part II Other Miscellaneous functions
	Power to make limestone pavement order.		Head of Planning			Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69). Constitution Part II Other Miscellaneous functions

The obtaining of information under Section 330 of the Town and Country Planning Act 1990 (a) as to interests in land		Head of Planning			Section 330 of the Town and Country Planning Act 1990 Constitution Part II Other Miscellaneous functions
Power to create footpath or bridleways by agreement.		Head of Economic Growth and Infrastructure			Section 25 of the Highways Act 1980 Constitution Miscellaneous Functions
Power to create footpaths and bridleways.		Head of Economic Growth and Infrastructure			Section 26 of the Highways Act 1980 Constitution Misc. Functions
Duty to assert and protect the rights of the public to use and enjoyment of highways		Head of Economic Growth and Infrastructure			Section 130 of the Highways Act 1980 Constitution Misc. Functions
Power to make a rail crossing extinguishment order.		Head of Economic Growth and Infrastructure			The Rail Crossing Extinguishment and Diversion Orders Regulations 1993 Constitution Misc. Functions
Power to make a special extinguishment order.		Head of Economic Growth and Infrastructure			(S.118B Highways Act 1980) Constitution Misc. Functions

	Power to authorise temporary disturbance of surface or footpath or bridleway		Head of Economic Growth and Infrastructure			Section 135 of the Highways Act 1980
	Power to require applicant for order to enter into agreement.		Head of Economic Growth and Infrastructure			Constitution Misc. Functions (S. 119C Highways Act 1980) Constitution Misc. Functions
	Power to designate footpath as cycle track		Head of Economic Growth and Infrastructure			(S3 The Cycle Tracks Act 1984 & Highways Act 1980) Constitution Misc. Functions
	Towns Fund - Ward Initiatives That the Director of Regeneration and Culture and Director of Environment and Community Services, in consultation with the Mayor, be authorised to determine an alternative project for delivery and form the reserve list, should any project be unable to progress due to any legal or technical reason.	Director of Regeneration and Culture and Director of Environment and Community Services				Executive – 8 March 2022
	Fountain Court Refurbishment – Phase Two Works That approval for the award of the phase two refurbishment works contract be delegated to the Director of Regeneration and	Director of Regeneration and Culture, Richard Horniman and Director of Finance, Ian Wright				Executive - 8 March 2022

	Culture, Richard Horniman and Director of Finance, Ian Wright					
	<p>Development of Middlesbrough's Cultural Capital Investment Prospectus: That, provided the holistic budget limit was not exceeded, the Director of Regeneration and Culture and Director of Finance be delegated authority on all decisions pertaining to the delivery of the Cultural Development Fund, including:</p> <ul style="list-style-type: none"> • entering into a funding agreement with Arts Council England; • procurement and contractual arrangements; • appointment of specialist advisors; • marketing and communications; and • asset management and operations. 	Dir. Regeneration & Culture and Director of Finance.				Executive – 10 May 2022
	Ability to authorise Special Severance Payments of up to £20,000.	Director of Regeneration & Culture				Sections 3 and 26 of the Local Government Act 1999.

Officer Delegation – Environment and Community Services

DIRECTOR DELEGATIONS					
Function	Officer Level				Source of Delegation
	1	2	3	4	
Ability to authorise Special Severance Payments of up to £20,000.	Director of Environment and Community Services				Sections 3 and 26 of the Local Government Act 1999.

HIGHWAY AUTHORITY FUNCTIONS					
Function	Officer Level				Source of Delegation
	1	2	3	4	
Duty to maintain highways maintainable at public expense		Head of Highways Infrastructure and Fleet Services (Chris Bates) Senior Manager Permit Delivery (Andy Turner)			s.41 Highways Act 1980

	Special defence in action against a Highway Authority for damages for non-repair of highway		Head of Highways Infrastructure and Fleet Services (Chris Bates) Senior Manager Permit Delivery (Andy Turner)		s.58 Highways Act 1980
	Power to license planting, retention and maintenance of trees etc. in part of highway.		Head of Environment Services (Andrew Mace)		s.142 of the Highways Act 1980
	Power to make a traffic regulation order in respect of a road in or adjoining, or forming part of: <ul style="list-style-type: none"> - a National Park - an Area of Outstanding Natural Beauty - a Country Park - a Nature Reserve, or an area subject to an agreement 		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer		s.22 Road Traffic Regulation Act 1984

	<p>under Section 15 of the Countryside Act</p> <ul style="list-style-type: none"> - a long distance route - National Trust land - a SSSI 		(Stewart Williams)			
	Power to erect prescribed traffic signs		Head of Highways Infrastructure and Fleet Services (Chris Bates)			s.65 Road Traffic Regulation Act 1984
	Power to place bollards or other obstructions on roads where passage has been prohibited under section 1 or 9 of the RTRA 1984		Head of Highways Infrastructure and Fleet Services (Chris Bates)			s.92 Road Traffic Regulation Act 1984
	Power to introduce physical traffic calming measures – Road Humps etc		Head of Highways Infrastructure and Fleet Services (Chris Bates)			s.90A, s.90C and s.90G Highways Act 1980
	Power to remove part or all of the footway		Head of Highways			s.66(4) Highways Act 1980

			<p>Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		
	Power to construct a cycle track		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		s.65(1) Highways Act 1980
	Power to provide barriers in a cycle track		<p>Head of Service for Highways Infrastructure and Fleet (Chris Bates)</p>		s.4 Cycle Tracks Act 1984

			Public Rights of Way Officer (Stewart Williams)		
	Power to request the stopping up or diversion of a highway by the Secretary of State (s.247 TCPA 1990)		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.247 TCPA 1990

HIGHWAY AUTHORITY FUNCTIONS – Relating to Highway Licences

Function	Officer Level				Source of Delegation
	1	2	3	4	
Power to permit deposit of builder's skip on highway.		Head of Highways Infrastructure and Fleet			s.139 of the Highways Act 1980 (c. 66).

			<p>Services (Chris Bates)</p> <p>Safety Advisory Officer (Zoe Manders)</p>		
	Power to dispense with obligation to erect hoarding or fence.		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Safety Advisory Officer (Zoe Manders)</p>		s.172 of the Highways Act 1980
	Control of scaffolding on Highway		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Safety Advisory Officer (Zoe Manders)</p>		s.169 Highways Act 1980

	<p>Duty to publish notice in respect of proposal to grant permission under Section 115 E of Highways Act 1980</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Safety Advisory Officer (Zoe Manders)</p>		<p>s.115 E of Highways Act 1980</p>
	<p>Power to license works in relation to buildings etc. which obstruct the highway</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Safety Advisory Officer (Zoe Manders)</p>		<p>s.169 of the Highways Act 1980</p>
	<p>Power to consent to temporary deposits or excavations in streets.</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p>		<p>s.171 of the Highways Act 1980</p>

			Safety Advisory Officer (Zoe Manders)		
	Power to restrict the placing of rails, beams etc. over highways.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Safety Advisory Officer (Zoe Manders)		s.178 of the Highways Act 1980
	Power to grant a street works licence		Head of Highways Infrastructure and Fleet Services (Chris Bates) Safety Advisory Officer		s. 50 NRSWA 1991

			(Zoe Manders)			
	Consent to use Cranes or other equipment/machinery on the public highway		Head of Highways Infrastructure and Fleet Services (Chris Bates) Safety Advisory Officer (Zoe Manders)			s.137 & 169 Highways Act 1980
	Power to consent to construction of cellars etc under street.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Safety Advisory Officer (Zoe Manders)			s.179 of the Highways Act 1980
	Power to consent to the making of openings into cellars etc. under		Head of Highways			s.180 of the Highways Act 1980

	streets and pavement lights and ventilators.		Infrastructure and Fleet Services (Chris Bates) Safety Advisory Officer (Zoe Manders)			
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HIGHWAY AUTHORITY FUNCTIONS – Relating to Public Rights of Way

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Power to designate footpath as cycle track		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.3 Cycle Tracks Act 1984
	Power to make a Site of Special Scientific Interest (SSSI) diversion order.		Head of Highways Infrastructure			s.119D and 119E of the Highways Act 1980, inserted by

			and Fleet Services (Chris Bates)			Schedule 6 to the Countryside and Rights of Way Act 2000
			Public Rights of Way Officer (Stewart Williams)			
	Duty to keep register with respect to applications under section 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.		Head of Highways Infrastructure and Fleet Services (Chris Bates)			s.118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
			Public Rights of Way Officer (Stewart Williams)			
	Power to decline to determine certain applications.		Head of Highways Infrastructure and Fleet Services (Chris Bates)			s.121C Highways Act 1980
			Public Rights of Way Officer			

			(Stewart Williams)		
	Duty to assert and protect the rights of the public to use and enjoyment of highways		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.130 of the Highways Act 1980
	Duty to serve notice of proposed action in relation to obstruction.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.130A of the Highways Act 1980
	Power to apply for variation of order		Head of Highways Infrastructure		s.130B (7) of the Highways Act 1980.

			and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		
	Power to authorise temporary disturbance of surface or footpath or bridleway		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.135 of the Highways Act 1980
	Power to temporarily divert footpath or bridleway (Dangerous Works)		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way		s.135A Highways Act 1980

			Officer (Stewart Williams)		
	Functions relating to the making good of damage and the removal of obstructions		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.135B Highways Act 1980
	Powers relating to the removal of things so deposited on highways as to be a nuisance		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.149 of the Highways Act 1980 (by way of a notice)
	Power to extinguish certain public rights of way		Head of Highways		s.32 Acquisition of Land Act 1981)

			<p>Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		
	Duty to keep a definitive map and statement under review.		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		s.53 of the Wildlife and Countryside Act 1981 (c. 69).
	Power to include modifications in other orders.		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p>		s.53A Wildlife and Countryside Act 1981

			Public Rights of Way Officer (Stewart Williams)		
	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.53(5) of the Wildlife and Countryside Act 1981.
	Duty to reclassify roads used as public paths		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.54 of the Wildlife and Countryside Act 1981.

	Power to prepare map and statement by way of consolidation of definitive map and statement		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.57 & s.57A Wildlife and Countryside Act 1981
	Power to extinguish public right of way over land acquired for clearance		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.294 Housing Act 1981
	Power to authorise stopping-up or diversion of footpath or bridleway.		Head of Highways Infrastructure and Fleet Services (Chris Bates)		s.257 Town and Country Planning Act 1990

			Public Rights of Way Officer (Stewart Williams)		
	Power to extinguish public rights of way over land held for planning purposes		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.258 Town and Country Planning Act 1990
	Power to enter into agreements with respect to means of access.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		Section 35 of the Countryside and Rights of Way Act 2000 (c 37).

	Power to provide access in the absence of an agreement.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		(S.37 Countryside and Rights of Way Act 2000)
	Power to make a side roads order for rights of way affected by the construction or improvement of a classified road		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.14 Highways Act 1980
	Duty to survey new paths agreed by a planning authority		Head of Highways Infrastructure and Fleet		s.27 Highways Act 1980

			<p>Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		
	<p>Responsible for the deposit of statutory declarations and statements on behalf of the council as landowner, with the council.</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		<p>s.31(6) Highways Act 1980</p>
	<p>Duty to keep register of all s.31(6) statutory declarations and statements made by landowners and to manage the records</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way</p>		<p>s.31A of the Highways Act 1980</p>

			Officer (Stewart Williams)			
	Power to charge for the deposit, of statutory declarations and statements		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.31(6) Highways Act 1980 (Amended by the Growth and infrastructure Act 2013 s.13)
	Duty to keep a register of all s.15A statutory declarations and statements (s.15A Commons Act 2006)		Public Rights of Way Officer (Stewart Williams)			s.15A Commons Act 2006
	Duty to keep an up-to-date list of publicly-maintainable highways available for public inspection in each district		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way			s.36 (6) Highways Act 1980 1 st November 2012

			Officer (Stewart Williams)			
	Power to agree to undertake maintenance of a right of way		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.38 Highways Act 1980
	Duty to maintain publicly-maintainable highways or to reimburse the district council for its maintenance of publicly-maintainable footpaths, bridleways and restricted byways.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.41 and s.42 Highways Act 1980
	Power of magistrates' court to declare unnecessary highway to be not maintainable at public expense		Head of Highways Infrastructure			s.47 Highways Act 1980

			and Fleet Services (Chris Bates)			
			Public Rights of Way Officer (Stewart Williams)			
	Power of magistrates' court to order a highway to be again maintainable at public expense		Head of Highways Infrastructure and Fleet Services (Chris Bates)			s.48 Highways Act 1980
			Public Rights of Way Officer (Stewart Williams)			
	Power to improve, widen or level rights of way		Head of Highways Infrastructure and Fleet Services (Chris Bates)			s.62, s.72 and s.76 Highways Act 1980
			Public Rights of Way Officer			

			(Stewart Williams)			
	Power to provide barriers, posts, rails or fences on a publicly-maintainable footpath or bridleway to safeguard persons using the highway		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.66(3) Highways Act 1980
	Power to construct a bridge to carry a right of way		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.91 Highways Act 1980
	Power to reconstruct a bridge forming part of a public path		Head of Highways Infrastructure and Fleet			s.92 Highways Act 1980

			<p>Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			
	Power to undertake works to drain a right of way		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			s.100 Highways Act 1980
	Power to apply to the magistrates' court for the closure or diversion of a right of way		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer</p>			s.116 Highways Act 1980

			(Stewart Williams)			
	Power to extinguish footpaths and bridleways on school property.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.118C Highways Act 1980
	Power to determine application for diversion of footpaths and bridleways in owner's interest (Land used for agriculture, forestry or breeding and keeping of horses)		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.119ZA Highways Act 1980
	Power to make a special Diversion order following an application by the proprietor of a school.		Head of Highways Infrastructure and Fleet			s.119C Highways Act 1980

			<p>Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		
	<p>Power to make a temporary diversion where a highway is about to be repaired or widened.</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		<p>s.122 Highways Act 1980</p>
	<p>Duty to take action if the ploughing or disturbance of a highway was unlawful</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		<p>s.131A Highways Act 1980</p>

	<p>Power to remove unauthorised signs from rights of way</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			<p>s.132 Highways Act 1980</p>
	<p>Duty to enforce the restoration of footpaths and bridleways lawfully ploughed or disturbed</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			<p>s.134 Highways Act 1980</p>
	<p>Power to make an order temporarily diverting a footpath, bridleway or restricted byway to enable agricultural excavation or engineering works to be carried out (a duty if certain conditions are met)</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p>			<p>s.135 Highways Act 1980</p>

			Public Rights of Way Officer (Stewart Williams)			
	Duty to enforce the duty of an occupier to ensure that crops do not inconvenience users of footpaths, bridleways and unmetalled carriageways		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.137A Highways Act 1980
	Powers to order person convicted of obstruction under s137 Highways Act 1980 to remove obstruction		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.137ZA Highways Act 1980

	Power to require the removal of a structure or other obstruction from a right of way		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.143 Highways Act 1980
	Power to require the enlargement of gates across bridleways or carriageways		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.145 Highways Act 1980
	Power to require maintenance work to be undertaken on stiles or gates		Head of Highways Infrastructure and Fleet Services (Chris Bates)			S.146 Highways Act 1980

			Public Rights of Way Officer (Stewart Williams)		
	Power to require the removal of things deposited on a right of way causing a nuisance		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.149 Highways Act 1980
	Power to require the cutting back of vegetation overhanging a right of way		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.154 Highways Act 1980

	<p>Power to require the abatement of a nuisance caused by barbed wire adjoining a right of way</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			<p>s.164 Highways Act 1980</p>
	<p>Power to require the fencing of dangerous land adjoining a right of way</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			<p>s.165 Highways Act 1980</p>
	<p>Powers of entry for purposes connected with certain orders relating to footpaths and bridleways</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p>			<p>s.293 Highways Act 1980</p>

			Public Rights of Way Officer (Stewart Williams)			
	Power to require information as to ownership of land in connection to rights of way.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.297 Highways Act 1980
	Right of local authorities to use vehicles and appliances on footways, bridleways and restricted byways		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.300 Highways Act 1980
	Issuing notices under the provisions of Schedule 12A HWA 1980		Head of Highways			Sch 12A Highways Act 1980

			<p>Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		
	Power to make good the surface of a right of way under certain circumstances		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		Sch 12A Highways Act 1980
	Power to carry out works where a duty to keep a path clear of overhanging crops has not been complied with		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way</p>		Sch 12A Highways Act 1980

			Officer (Stewart Williams)			
	Duty to signpost and waymark footpaths, bridleways, restricted byways and byways where they leave metalled roads and elsewhere to help people follow the route unless agreed with the Parish Council that it is not necessary		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.27 Countryside Act 1968
	Duty to erect such signposts if in the opinion of the Highway Authority this is required to assist persons unfamiliar with the locality to follow a footpath, bridleway, restricted byway and byway.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.27 Countryside Act 1968
	Power to erect and maintain signposts and waymarks along any footpath, bridleway, restricted byway or byway		Head of Highways Infrastructure and Fleet			s.27 Countryside Act 1968

			<p>Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		
	Power to make definitive map modification orders		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		s.53 Wildlife and Countryside Act 1981
	Duty to make modification orders to take account of events requiring the map to be modified		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		s.53 Wildlife and Countryside Act 1981

	Power to include modifications in other orders		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			S.53A Wildlife and Countryside Act 1981
	Duty to prepare definitive maps for any areas not previously surveyed		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.55 Wildlife and Countryside Act 1981
	Certifying extracts from the Definitive Map under the provisions of Section 56 of the WLCA 1981		Head of Highways Infrastructure and Fleet Services (Chris Bates)			s.56 Wildlife and Countryside Act 1981

			Public Rights of Way Officer (Stewart Williams)			
	Duty to keep copies of the definitive map and statement, together with copies of any subsequent modification and reclassification orders, available for public inspection in every district		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.57 Wildlife and Countryside Act 1981
	Duty to draw the attention of the public to the availability of definitive maps for inspection and to the right to apply for modification orders to be made		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.57 Wildlife and Countryside Act 1981

	<p>Power to make permanent traffic regulation orders <u>in relation to footpaths and bridleways etc</u></p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			<p>s.1 Road Traffic Regulation Act 1984</p>
	<p>Power to make temporary traffic regulation orders <u>in relation to footpaths and bridleways etc</u></p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			<p>s.14 Road Traffic Regulation Act 1984</p>
	<p>Power to make orders prohibiting or restricting the use of rights of way in connection with certain events</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p>			<p>s.16A Road Traffic Regulation Act 1984</p>

			Public Rights of Way Officer (Stewart Williams)		
	Authorising the use of footpaths and bridleways for motor vehicles and cycle trials		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.33 Road Traffic Act 1988
	Duty to prepare a rights of way improvement plan		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.60 Countryside and Rights of Way Act 2000

	<p>Duty to review and amend the rights of way improvement plan not more than ten years after first publishing the plan, and subsequently at intervals of not more than ten years</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			<p>s.60(3) Countryside and Rights of Way Act 2000</p>
	<p>Duty to establish and manage a Local Access Forum In Accordance with the Local Access Forums (England) Regulations 2002</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>			<p>s.94 and s.95 Countryside and Rights of Way Act 2000</p>
	<p>Duty to prosecute anyone responsible for a misleading notice on or near a footpath, bridleway or restricted byway shown on a definitive map</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p>			<p>S.57 National Parks and Access to the Countryside Act 1949</p>

			Public Rights of Way Officer (Stewart Williams)			
	Power to authorise stopping-up or diversion of footpaths or bridleways.		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.257 Town and Country Planning Act 1990
	Default powers in respect of non-repair of a privately repairable highway		Environment Services Manager (Fleet and Highways)			s.57 Highways Act 1980

STREETWORKS AUTHORITY FUNCTIONS						
	Function	Officer Level				Source of Delegation
		1	2	3	4	

	<p>Power to give directions as to timing of Street Works and road works to avoid disruption</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Senior Manager Permit Delivery (Andy Turner)</p>			<p>s.56a & s.56b New Roads and Street Works Act 1991</p>
	<p>Power to Control the Avoidance of any unnecessary delay or obstruction</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Senior Manager Permit Delivery (Andy Turner)</p>			<p>s.66 New Roads and Street Works Act 1991</p>
	<p>Power to Charge for the occupation of highway where works are unreasonably prolonged</p>		<p>Head of Highways Infrastructure and Fleet</p>			<p>s.74 New Roads and Street Works Act 1991</p>

			<p>Services (Chris Bates)</p> <p>Senior Manager Permit Delivery (Andy Turner)</p>		
	<p>Duty to inspect Street Works and roadworks taking place for safety measures, having regard, in particular to the need of people with a disability</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Senior Manager Permit Delivery (Andy Turner)</p>		<p>s.65 New Roads and Street Works Act 1991</p>
	<p>Power to direct undertakers to maintain their own apparatus in the Highway</p>		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Senior Manager Permit</p>		<p>s.81 New Roads and Street Works Act 1991</p>

			Delivery (Andy Turner)			
	Power to carry out investigatory works in relation to the reinstatement of their own works		Head of Highways Infrastructure and Fleet Services (Chris Bates) Senior Manager Permit Delivery (Andy Turner)			s.72 New Roads and Street Works Act 1991
	A duty to keep a register showing such information as in a descriptions of works as may be prescribed, executed or proposed to be executed in the street (an example of other works are local authority road maintenance works).		Head of Highways Infrastructure and Fleet Services (Chris Bates) Senior Manager Permit Delivery (Andy Turner)			s.53 New Roads and Street Works Act 1991
LEAD LOCAL FLOOD AUTHORITY Functions						

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Duty to issue flood defence consents on ordinary watercourses		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.23 Land Drainage Act 1991
	Power to require works to maintain a proper flow of water in ordinary watercourses		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)			s.25 Land Drainage Act 1991
	Power to request information from any person		Head of Highways Infrastructure and Fleet			s.14 Floods and Water Management Act 2010

			<p>Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		
	Power to sanction persons who do not provide information		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		s.15 Floods and Water Management Act 2010
	Duty to publish flood investigation reports		<p>Head of Highways Infrastructure and Fleet Services (Chris Bates)</p> <p>Public Rights of Way Officer (Stewart Williams)</p>		s.19 Floods and Water Management Act 2010

	Duty to maintain an Asset Register		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.21 Floods and Water Management Act 2010
	Power to designate structures or environmental features that affect a flood or coastal erosion risk		Head of Highways Infrastructure and Fleet Services (Chris Bates) Public Rights of Way Officer (Stewart Williams)		s.30 Floods and Water Management Act 2010
	Duty to issue SuDS Approval		Head of Highways Infrastructure and Fleet		Schedule 3 Floods and Water Management Act 2010

			Services (Chris Bates)			
			Public Rights of Way Officer (Stewart Williams)			

Street Naming & Numbering Authority Functions						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Power to approve or reject property and street addresses.		Head of Highways Infrastructure and Fleet Services (Chris Bates)			S.64 and 65 of Towns and Improvement Clauses Act 1847 and Sections 17 - 19 of the Public Health Act 1925
	Power to make alterations to names of streets		Head of Highways Infrastructure and Fleet Services (Chris Bates)			S.21 of the Public Health Act Amendment Act 1907
	Duty to have a Local street Gazetteer and National Street Gazetteer		Head of Highways Infrastructure and Fleet			New Roads and Street Works Act 1991

			Services (Chris Bates)			
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General Functions						
	Functions	Officer Level				Source of Delegation
		1	2	3	4	
	<p>Towns Fund - Ward Initiatives</p> <p>That the Director of Regeneration and Culture and Director of Environment and Community Services, in consultation with the Mayor, be authorised to determine an alternative project for delivery and form the reserve list, should any project be unable to progress due to any legal or technical reason.</p>	<p>Director of Regeneration and Culture and Director of Environment and Community Services</p>				Executive 8 March 2022

Community Protection Service						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
1.	To act on behalf of the Council to enter premises, seize goods and documents and make enquiries in respect of the legislation as set out in the attached Schedule.		<ul style="list-style-type: none"> • Operational Community Safety Manager • Strategic Community Safety Manager • Neighbourhood Safety Manager • Neighbourhood Safety Officer • Senior Neighbourhood Safety Warden • Neighbourhood Safety Warden • Any other approved post which may exist, at any time, within Stronger Communities Department 			See attached Schedule

			with enforcement or investigative responsibilities.			
2	To authorise activities under the Regulation of Investigatory Powers Act 2000		<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager • Strategic Community Safety Manager 			Regulation of Investigatory Powers Act 2000
3	To act as Disclosure Officer under the Criminal Procedures & Investigation Act 1996		<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager • Strategic Community Safety Manager • Neighbourhood Safety Manager 			Criminal Procedures & Investigation Act 1996

4	Authority to issue fixed penalty notices is given to the posts identified in para 1 above		<ul style="list-style-type: none">• Operational Community Safety Manager• Strategic Community Safety Manager• Neighbourhood Safety Manager• Neighbourhood Safety Officer• Senior Neighbourhood Safety Warden• Neighbourhood Safety Warden• Any other approved post which may exist, at any time, within Stronger Communities Department with enforcement or investigative responsibilities.			
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5	<p>Specific authority is given to the following post holders to act as competent Officers to enter and search premises and search vehicles under Schedule III of the Environmental Protection Act 1990, Building Act 1984 Section 95, Housing Act 1985, Housing Act 2004, and Public Health Act 1936, the Control of Pollution (Amendment) Act 1989 and the Environment Act 1995, Section 108 as amended by the Clean Neighbourhoods and Environment Act 2005.</p>		<ul style="list-style-type: none"> • Operational Community Safety Manager • Strategic Community Safety Manager • Neighbourhood Safety Manager • Neighbourhood Safety Officer • Senior Neighbourhood Safety Warden • Neighbourhood Safety Warden • Any other approved post which may exist, at any time, within Stronger Communities Department with enforcement or investigative responsibilities. 		<p>Schedule III of the Environmental Protection Act 1990, Building Act 1984 Section 95, Housing Act 1985, Housing Act 2004, and Public Health Act 1936, the Control of Pollution (Amendment) Act 1989 and the Environment Act 1995, Section 108 as amended by the Clean Neighbourhoods and Environment Act 2005.</p>
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6	Authority to appoint and authorise staff from other local authorities in the event of a major incident	-----	<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager • Strategic Community Safety Manager 			
7	Subject to paragraphs 9, 10, 11 and 15 Authority to sign statutory notices under legislation specified in the attached Schedule	-----	<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager • Strategic Community Safety Manager 			See attached Schedule
8	The Authority to issue permits, licences, authorisations and to set fees	-----	<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager 			

			<ul style="list-style-type: none"> • Strategic Community Safety Manager 			
9	The Authority to authorise works in default of legal notices		<ul style="list-style-type: none"> • Operational Community Safety Manager • Strategic Community Safety Manager • Neighbourhood Safety Manager 			See attached Schedule
10	To initiate and institute legal proceedings		<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager • Strategic Community Safety Manager 			See attached Schedule
11	Authority to make arrangements with statutory undertakers in regard to the restoration or continuation of water, gas, or		<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community 			Local Government Act 1982

	electric under the provisions of the Local Government Act 1982		<p>Safety Manager</p> <ul style="list-style-type: none"> • Strategic Community Safety Manager • Neighbourhood Safety Manager 			
12	Authority to carry out consultations on behalf of Local Authority under Section 1E of the Crime and Disorder Act 1998 (as amended by section 66 of the Police Reform Act 2002)		<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager • Strategic Community Safety Manager • Neighbourhood Safety Manager • Community Safety Partnership Officer 			Section 1E of the Crime and Disorder Act 1998 (as amended by section 66 of the Police Reform Act 2002)

13	Authority to designate Public Spaces Protection Orders under the Anti-social Behaviour, Crime and Policing Act 2014		<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager • Strategic Community Safety Manager 		Anti-social Behaviour, Crime and Policing Act 2014
14	Authority to implement the alleygate programme		<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community Safety Manager • Strategic Community Safety Manager • Neighbourhood Safety Manager 		
15	Authority to authorise competent officers under Health and Safety at Work etc. Act 1974, Section 19		<ul style="list-style-type: none"> • Head of Stronger Communities • Operational Community 		Health and Safety at Work etc. Act 1974, Section 19

			Safety Manager • Strategic Community Safety Manager			
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Officer Delegation – Adult Social Care and Health Integration

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Power to issue licences authorising the use of land as a caravan site (“site licences”).		Licensing team			Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). Constitution Licensing and registration functions
	Power to license the use of moveable dwellings and camping sites.		Licensing team			Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). Constitution Licensing and registration functions
	Power to license hackney carriages and private hire vehicles.		Licensing team			a)as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b)as to private hire vehicles, sections 48, 57, 58, 60 and 79

					of the Local Government (Miscellaneous Provisions) Act 1976. Constitution Licensing and registration functions
	Power to license drivers of hackney carriages and private hire vehicles.		Licensing team		Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. Constitution Licensing and registration functions
	Power to license operators of hackney carriages and private hire vehicles		Licensing team		Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. Constitution Licensing and registration functions
	Power to suspend or revoke a private hire or hackney carriage driver's licence with immediate effect.		Licensing Team		Local Government (Miscellaneous Provisions) Act 1976. Licensing Committee 8 August 2011

<p>Power to set fees and charges only insofar as they relate to the work of the service unit and not any other service area or officer.</p> <p>Power to serve statutory notices under the Local Government (Miscellaneous Provisions) Act 1976</p> <p>Power to institute legal proceedings under the Local Government (Miscellaneous Provisions) Act 1976</p> <p>Power to institute legal proceedings under the Town Police Clauses Act 1847</p> <p>Power to institute legal proceedings under the Road Traffic Act 1988</p> <p>Power to institute legal proceedings under the Criminal Justice and Public Order Act 1994</p> <p>Power to seize goods and documents under the Local Government (Miscellaneous Provisions) Act 1976</p>		<p>Licensing team</p>			<p>Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Licensing Committee 8 August 2011</p>
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	<p>Power to direct the use of surveillance activities and the use of covert human intelligence services requiring authorisation under the Regulation of Investigatory Powers Act 2000</p> <p>Power to represent the Licensing Authority in the Magistrates Courts, Crown Courts, High Courts and Tribunals and Inquiries</p> <p>Power to act as Disclosure Officer under the Criminal Procedure and Investigation Act 1996</p>				
	<p>Power to grant or refuse an application for a Hackney Carriage Vehicle Proprietor Licence under Section 37 of the Town Police Clauses Act 1847 or a Private Hire Vehicle Proprietor Licence under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.</p>		<p>Licensing team</p>		<p>Section 37 of the Town Police Clauses Act 1847 or a Private Hire Vehicle Proprietor Licence under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Licensing Committee 15 May 2017</p>

	Power to attach specific conditions to individual applications for a Private Hire or Hackney Carriage Vehicle Proprietorship Licence under Sections 47 or 48 of the Local Government (Miscellaneous Provisions) Act 1976, which depart from the Council policies and conditions.		Licensing team		Sections 47 or 48 of the Local Government (Miscellaneous Provisions) Act 1976 Licensing Committee 15 May 2017
	That the Licensing Committee be not prevented from exercising the functions delegated and the Director of Culture and Communities, or any successor role, may refer any application he considered suitable to the Licensing Committee for a decision.		Licensing team		Licensing Committee 15 May 2017
	Power to register pool promoters.		Licensing team		Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(12). Constitution Licensing and registration functions

	Power to grant track betting licences.		Licensing team			Schedule 3 to the Betting, Gaming and Lotteries Act 1963(13).
	Power to license inter-track betting schemes.		Licensing team			Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963(13). Constitution Licensing and registration functions
	Power to grant permits in respect of premises with amusement machines.		Licensing team			Schedule 9 to the Gaming Act 1968 (c. 65) (15). Constitution Licensing and registration functions
	Power to register societies wishing to promote lotteries		Licensing team			Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(16). Constitution Licensing and registration functions
	Power to grant permits in respect of premises where amusements with prizes are provided.		Licensing team			Schedule 3 to the Lotteries and Amusements Act 1976(17). Constitution Licensing and registration functions
	Power to issue cinema and cinema club licences.		Licensing team			Section 1 of the Cinema Act 1985 (c. 13).

					Constitution Licensing and registration functions
	Power to issue theatre licences.		Licensing team		Sections 12 to 14 of the Theatres Act 1968 (c. 54)(18). Constitution Licensing and registration functions
	Power to issue entertainments licences		Licensing team		Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30). Constitution Licensing and registration functions
	Functions relating to licensing		Licensing team		(Sections 5-8 Licensing Act 2003) Constitution

					Licensing and registration functions
	Duty to comply with requirement to provide information to Gambling Commission		Licensing team		Section 29 and 30? Gambling Act 2005 Constitution Licensing and registration functions
	Functions relating to exchange of information		Licensing team		Section 30 of the Gambling Act 2005 Constitution Licensing and registration functions
	Functions relating to occasional use of notices		Licensing team		Section 39 Gambling Act 2005 Constitution Licensing and registration functions
	Power to resolve not to issue a casino premises licence		Licensing team		(Section 166 of the Gambling Act 2005) Constitution Licensing and registration functions
	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises		Licensing team		Section 304 of the Gambling Act 2005 Constitution

					Licensing and registration functions
	Power to make order dis-applying section 279 or 282(1) of the 2005 Act in relation to specified premises		Licensing team		Gambling Act 2005 section 279 or section 282(1) Constitution Licensing and registration functions
	Power to exchange information		Licensing team		Section 350 Gambling Act 2005 Constitution Licensing and registration functions
	Functions relating to the registration and regulation of small society lotteries		Licensing team		Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(28) Constitution Licensing and registration functions
	Power to license sex shops and sex cinemas.		Licensing team		The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3. Constitution Licensing and registration functions
	Power to license performances of hypnotism.		Licensing team		The Hypnotism Act 1952 (c. 46).

					Constitution Licensing and registration functions
	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.		Licensing team		Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982. Constitution Licensing and registration functions
	Power to license pleasure boats and pleasure vessels.		Licensing team		Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)(19). Constitution Licensing and registration functions
	Power to register door staff.		Licensing team		Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. x). Constitution Licensing and registration functions
	Power to license market and street trading.		Licensing team		Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local

					<p>Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii).</p> <p>Constitution Licensing and registration functions</p>
	Power to license night cafes and take-away food shops		Licensing team		<p>Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53)(20), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.</p> <p>Constitution Licensing and registration functions</p>
	Duty to keep list of persons entitled to sell non-medicinal poisons.		Licensing team		<p>Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66)(21).</p> <p>Constitution Licensing and registration functions</p>
	Power to license dealers in game and the killing and selling of game.		Licensing team		<p>Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70).</p> <p>Constitution</p>

					Licensing and registration functions
	Power of register and license premises for the preparation of food.		Licensing team		Section 19 of the Food Safety Act 1990 (c.16). Constitution Licensing and registration functions
	Power to license scrap yards.		Licensing Sub Committee		Section 1 of the Scrap Metal Dealers Act 1964 (c. 69). Constitution Licensing and registration functions
	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.		Licensing team		The Safety of Sports Grounds Act 1975 (c. 52)(22). Constitution Licensing and registration functions
	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.		Licensing team		Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27). Constitution Licensing and registration functions

	Power to issue fire certificates.		Licensing team		<p>Section 5 of the Fire Precautions Act 1971 (c. 40).</p> <p>Constitution Licensing and registration functions</p>
	Power to license premises for the breeding of dogs.		Licensing team		<p>Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).</p> <p>Constitution Licensing and registration functions</p>
	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.		Licensing team		<p>Section 1 of the Pet Animals Act 1951 (c. 35)(23); section 1 of the Animal Boarding Establishments Act 1963(c. 43)(24); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70)(25); section 1 of the Breeding of Dogs Act 1973 (c. 60)(26), and</p>

					<p>sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.</p> <p>Constitution Licensing and registration functions</p>
	Power to register animal trainers and exhibitors.		Licensing team		<p>Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)(27).</p> <p>Constitution Licensing and registration functions</p>
	Power to license zoos.		Licensing team		<p>Section 1 of the Zoo Licensing Act 1981 (c. 37)(28).</p> <p>Constitution Licensing and registration functions</p>
	Power to license dangerous wild animals.		Licensing team		<p>Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).</p> <p>Constitution Licensing and registration functions</p>

	Power to license knackers' yards.		Licensing team		<p>Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).</p> <p>Constitution Licensing and registration functions</p>
	Power to license the employment of children.		Licensing team		<p>Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).</p> <p>Constitution Licensing and registration functions</p>
	Power to approve premises for the solemnisation of marriages.		Licensing team		<p>Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510)(29).</p> <p>Constitution Licensing and registration functions</p>

<p>Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:</p> <p>(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land act 1981 (c.67) or</p> <p>(b) an order under section 147 of the Inclosure Act 1845 (c.8 & 9 Vict. c.118)</p>		<p>Licensing Committee</p>		<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).</p> <p>Constitution Licensing and registration functions</p>
<p>Power to register variation of rights of common</p>		<p>Licensing Committee</p>		<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)(30).</p> <p>Constitution Licensing and registration functions</p>
<p>Power to license persons to collect for charitable and other causes.</p>		<p>Licensing team</p>		<p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)(31).</p>

					Constitution Licensing and registration functions
	Power to grant consent for the operation of a loudspeaker.		Licensing team		Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40). Constitution Licensing and registration functions
	Power to grant a street works licence.		Licensing team		Section 50 of the New Roads and Street Works Act 1991 (c. 22). Constitution Licensing and registration functions
	Power to license agencies for the supply of nurses.		Licensing team		Section 2 of the Nurses Agencies Act 1957 (c. 16). Constitution Licensing and registration functions
	Power to issue licences for the movement of pigs.		Licensing team		Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11). Constitution Licensing and registration functions

	Power to license the sale of pigs.		Licensing team		Article 13 of the Pigs (Records, Identification and Movement) Order 1995. Constitution Licensing and registration functions
	Power to license collecting centres for the movement of pigs.		Licensing team		Article 14 of the Pigs (Records, Identification and Movement) Order 1995 Constitution Licensing and registration functions
	Power to issue a licence to move cattle from a market.		Licensing team		Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871). Constitution Licensing and registration functions
	Power to license Scrap Metal Dealers		Licensing team where there are no grounds for refusal		Constitution
	Ability to authorise Special Severance Payments of up to £20,000.	Director of Adult Social Care and			Sections 3 and 26 of the Local Government Act 1999.

		Health Integration				
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<p>Function - The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:-</p> <ul style="list-style-type: none"> • Adults; or • Carers, <p>Functions exercisable on behalf of an NHS body so far as it relates to adults.</p>						
Function	Officer Level				Source of Delegation	
	1	2	3	4		
Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including applications to displace nearest relatives and appointment as nearest relative and the acceptance and exercise of guardianships under the Mental Health Act 1983.					Mental Health Act 1983.	
To formally approve and authorise Mental Health Professionals who are eligible and qualified to be considered as						

<p>Approved Mental Health Practitioners.</p>					
<p>Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of services provided under the Mental Capacity Act 2005 including appointment as Deputy and applications to the Court of Protection and undertaking Deprivation of Liberty Safeguard authorisations (DoLS).</p>					<p>Mental Capacity Act 2005</p>
<p>Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and corporate complaints procedure.</p>					
<p>Setting and varying rates for providers of all forms of social care and housing support in consultation with the Director of Finance</p>					
<p>Setting and varying fees and charges for delivery of services Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the</p>					

	<p>planning and provision of jointly operated services within the County, including the development of Cooperation Agreements and Partnerships Agreements for joint working arrangements.</p>					
	<p>Protection and promotion of the welfare of vulnerable adults including vulnerable young people moving into adulthood.</p>					
	<p>To meet the requirements as set down by regulatory bodies in relation to the operation of services within Adult and Health Services</p>					
	<p>The provision, operation, commissioning and variation of payments to external providers in respect of services arranged by the Director of Adult Social Care and Health Integration.</p>					
	<p>Under the Care Act 2014 to discharge any functions in relation to the social care duties of the Council including:</p>					<p>Care Act 2014</p>
	<ul style="list-style-type: none"> • To provide information and advice about care and 					<p>Care Act 2014</p>

	support services for adults and carers.					
	<ul style="list-style-type: none"> To provide or arrange access to preventative services promoting wellbeing and independence 					Care Act 2014
	<ul style="list-style-type: none"> Ensuring that the needs of people continue to be met if their care provider becomes unable to carry on providing care because of business failure. 					Care Act 2014
	<ul style="list-style-type: none"> Carrying out an assessment and applying national eligibility criteria for anyone who appears to require care and support, including carers who may need support. 					Care Act 2014
	<ul style="list-style-type: none"> To provide a personal budget to anyone with 'eligible needs'. 					Care Act 2014
	<ul style="list-style-type: none"> To make enquiries into concerns of abuse and neglect requiring the cooperation of partner agencies and led multi agency safeguarding investigations. 					Care Act 2014

	<ul style="list-style-type: none"> Ensuring that the local authority has a panel of persons in place for its area, as required under the Counter Terrorism and Security Act 2015. The function of this panel is to assess the extent to which identified individuals are vulnerable to being drawn into terrorism and to develop a support plan for that individual. 					Care Act 2014 Counter Terrorism and Security Act 2015
	<p>To coordinate the Council's response to Section 17 of the Crime and Disorder Act 1998 and ensure the crime and disorder implications of the Council's decisions are properly considered.</p>					Section 17 of the Crime and Disorder Act 1998
	<p>To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registrable staff.</p>					
	<p>To advise and contribute to the preparation of the Integrated Needs Assessment and Joint Health & Wellbeing Strategy in conjunction with the Director of</p>					

	Public Health and local Clinical Commissioning Groups.					
	To be the lead Director on the local Safeguarding Adults Board in accordance with legislation and guidance					
	Domestic Abuse New Burden Funding - Provision of Support within Domestic Abuse Safe Accommodation Services for 2021-2022. That the Director of Adult Social Care and Health Integration, in consultation with the Executive Member for Adult Social Care, receives delegated authority to sign off the needs assessment, the strategy and allocate funding for the project up to £394,865 per intervention/decision.					Executive – 15 June 2021

Officer Delegation – Director of Public Health

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	<p>Delegated authority in relation to the Changing Futures Scheme</p> <p>a) If successful, that delegated authority be given to the Director of Public Health (DPH), as the named lead for the South Tees partnership, in consultation with the relevant Executive Member, to allocate future funding for Changing Futures, up to £150k per intervention/decision and to approve costed delivery plans relating to the programme via the Governance and Steering Board.</p> <p>b) That delegated authority be given the Director of Public Health (DPH), as the named lead for the South Tees partnership, to sign the bid on behalf of Middlesbrough Council as lead authority for the partnership.</p>	Director of Public Health				Executive – 13 April 2021

	Ability to authorise Special Severance Payments of up to £20,000.	Director of Public Health				Sections 3 and 26 of the Local Government Act 1999.
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Officer Delegation – Children’s Services

	Function	Officer Level				Source of Delegation
		1	2	3	4	
	<p>The Executive Director of Children’s Services is authorised to discharge any function of the Executive in relation to:</p> <p>The exercise of the Council’s powers and duties in relation to the provision of social services so far as those functions relate to:-</p> <ul style="list-style-type: none"> • Children, or young people leaving care 	The Executive Director of Children’s Services				
	Functions exercisable on behalf of an NHS body so far as it relates to children and young people.	The Executive Director of Children’s Services				
	The Council’s powers and duties in relation to the provision and commissioning of education and training opportunities for young people as determined by the Education Act 1996 and Education	The Executive Director of Children’s Services				

	<p>and Skills Act 2008 and all other legislation and guidance relating to education and training for young people.</p>					
	<p>Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and corporate complaints procedure.</p>	<p>-----</p>				
	<p>Setting and varying rates for providers of all forms of social care and housing support in consultation with the Director of Finance.</p>	<p>-----</p>				
	<p>Setting and varying fees and charges for delivery of services</p>	<p>-----</p>				
	<p>Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the town, including the development of Cooperation Agreements and Partnerships and Agreements for joint working arrangements.</p>	<p>-----</p>				

	To meet the requirements as set down by regulatory bodies in relation to the operation of services within Children and Young People's Services.					
	The provision, operation and commissioning of vocational training and allied services for persons over compulsory school age, including the provision of secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment and promotion of arrangements to assist persons to obtain employment and employers to obtain employees.					
	The provision, operation and commissioning of services in relation to Adult Learning.	Director of Education and Partnerships				
	To coordinate the transition of service provision for children who will require services into adulthood.					
	Under the Children and Families Act 2014, to discharge any functions in relation to the social	Director of Education				

	<p>care duties of the Council including:</p> <ul style="list-style-type: none"> • The publication of a ‘Local Offer’ which clearly sets out services available for children and young people with special educational needs between the ages of 0-25. In carrying out these delegated functions, the Director will agree arrangements for consultation with the relevant Executive Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s). 	<p>and Partnerships</p>				
	<p>The Executive Director of Children’s Services will meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registrable staff.</p>					
	<p>The Executive Director of Children’s Services will license the employment of children in accordance with the Children and Young Persons Act 1933.</p>	<p>Director of Education and Partnerships</p>				
	<p>The Executive Director of Children’s Services will be the lead</p>					

	Director on the Local Safeguarding Children's Partnership in accordance with legislation and guidance.					
	The Executive Director of Children's Services will be authorised to make an exempt decision regarding care packages, service responses and expenditure for care and accommodation which relate to individual service users and this will not constitute a key decision if it exceeds the key decision financial threshold.					
	Ability to authorise Special Severance Payments of up to £20,000.	Executive Director of Children's Services; Director of Children's Care and Director of Education and Partnerships				Sections 3 and 26 of the Local Government Act 1999.

Children's Safeguarding		
Function	Level	Source of Delegation

		1	2	3	4	
	Making any representations on behalf of the Authority as children's services authority or otherwise to the Committee exercising the Authority's functions under the Licensing Act 2003 or the Gambling Act 2005 for the purpose of protecting children from harm.	The Executive Director of Children's Services				

Children in Need						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	To make arrangements for the provision of services and assistance whether in kind or in cash to children in need, their families and others, pursuant to Section 17 of the Act, or direct payment to qualifying persons under Section 17A. (Children Act 1989)	The Executive Director of Children's Services				Section 17A. (Children Act 1989)

Child Protection							
	Function	Officer Level				Source of Delegation	
		1	2	3	4		
	Exercising all the duties and functions of the Authority under Parts IV and V of the Children Act 1989, sections 31-52 (including section 47 – local authority’s duty to investigate) and all other enabling powers with regard to the care, supervision and protection of children and young people, including determining applications for Residence Orders under Section 8 Children Act 1989. Including the following:	Director of Children’s Care					Parts IV and V of the Children Act 1989, sections 31-52 (including section 47 and Section 8
	<ul style="list-style-type: none"> Decision to initiate S.47 Enquiry 	Director of Children’s Care					
	<ul style="list-style-type: none"> Recommendation not to proceed to conference following S.47 Enquiry where child protection concerns have been substantiated 	Director of Children’s Care					

	<ul style="list-style-type: none"> Decision for Children to become the subject of or be removed be removed from a Child Protection Plans 	Director of Children's Care				
	Decision to support a Child Safeguarding Practice Review	-----				
	Under Section 31 :-	-----				
	<ul style="list-style-type: none"> Authorisation of passports 	Director of Children's Care				Section 31 Children Act 1989
	<ul style="list-style-type: none"> Authorisation of travel abroad 	Director of Children's Care				Section 31 Children Act 1989
	<ul style="list-style-type: none"> Authority to apply for Secure Orders up to 72 hours (pending an application to court) 					Section 31 Children Act 1989
	<ul style="list-style-type: none"> Authority to apply for Secure Orders (via a court application) 					Section 31 Children Act 1989
	<ul style="list-style-type: none"> Authority to extend Secure Orders (via a court application) 	Director of Children's Care				Section 31 Children Act 1989
	<ul style="list-style-type: none"> Consent to termination of pregnancy 	Director of Children's Care				Section 31 Children Act 1989
	<ul style="list-style-type: none"> Consent to HIV Testing 	Director of Children's Care				Section 31 Children Act 1989

	<ul style="list-style-type: none"> • Consent to surgical operation 	Director of Children's Care				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Acceptance of criminal injury compensation awards 					Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Initiating legal proceedings 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Approval of final agreed care plan in care proceedings 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Authority to discharge Care Orders 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Authorisation for Criminal Records Bureau (DBS) check (relatives) 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Planned admission to S.20 accommodation 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Emergency admission to S.20 accommodation 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989

	<ul style="list-style-type: none"> • Agreement to transfer case responsibility for a child/young person from one local authority to another 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Placement with parents agreement (planned and emergency) 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Removal from care placement 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Permanent exclusion from internal children's residential setting 	Director of Children's Care				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Decisions to give consent to the marriage of a young person in care 	Director of Children's Care				Section 31 Children Act 1989
	<ul style="list-style-type: none"> • Agreement to a young person remanded to local authority care being placed at home or with friends 	Director of Children's Care				Section 31 Children Act 1989
	<p>Under Children Act 1989</p> <p>To institute the following applications for:</p>					
	<ul style="list-style-type: none"> • Child Assessment Orders under Section 43 of the Act. 	Director of Children's				Section 43 Children Act 1989

		Care and relevant HOS				
	<ul style="list-style-type: none"> Emergency Protection Orders under Section 44 of the Act 	Director of Children's Care and relevant HOS				Section 44 Children Act 1989
	<ul style="list-style-type: none"> Care and Supervision Orders under Section 31 of the Act 	Director of Children's Care and relevant HOS				Section 31 Children Act 1989
	<ul style="list-style-type: none"> Exclusion Requirements in Emergency Protection Order applications under Section 44A and applications for Exclusion 	Director of Children's Care and relevant HOS				Emergency Protection Order applications under Section 44A
	<ul style="list-style-type: none"> Requirements in Care applications under Section 38A 	Director of Children's Care and relevant HOS				Section 38 Children Act 1989
	<ul style="list-style-type: none"> Varying or discharging Care or Supervision Orders under Section 39 of the Act 	Director of Children's Care and relevant HOS				Section 39 Children Act 1989
	<ul style="list-style-type: none"> Prohibited Steps or Specific Issue Orders under Section 8 of the Act 	Director of Children's Care and relevant HOS				Section 8 Children Act 1989
	<ul style="list-style-type: none"> Orders defining restricting or terminating contact with a child in care under Section 34 of the Act. 	Director of Children's Care and relevant HOS				Section 34 Children Act 1989

	<ul style="list-style-type: none"> Recovery Orders under Section 50 of the Act. 	Director of Children's Care and relevant HOS				Section 50 of the Children Act 1989
	<ul style="list-style-type: none"> Leave to invoke the inherent jurisdiction of the High Court. 	Director of Children's Care				
	<ul style="list-style-type: none"> Leave to place a child in accommodation restricting liberty under Section 25 of the Act. 	Director of Children's Care				Section 25 Children Act 1989
	<ul style="list-style-type: none"> Leave for a child in the care of the local authority to live abroad. (section 19) 	Director of Children's Care				(section 19 Children Act 1989)
	<ul style="list-style-type: none"> Leave for a child in the care of the local authority to be known by a new Surname 	Director of Children's Care				
	<p>To institute the following prosecutions of persons for:</p> <ul style="list-style-type: none"> Obstructing the discovery or recovery of an abducted child under Sections 48 and 50 of the Act. Abducting a child from care under Section 49 of the Act. (Children Act 1989) 	Director of Children's Care				Sections 48 and 50 of the Children Act 1989. Section 49 of the Act. (Children Act 1989)
	Ensure make contributions towards the maintenance of children placed	Director of Children's Care and relevant HOS				

	with a person as a result of a Residence Order or Special Guardianship Order					
	Decisions to approve payment of the legal expenses of applicants for a Residence Order or other Section 8 Orders in respect of children in care to the extent that they are not met by Legal Aid	Director of Children's Care and relevant HOS				

Children in Care						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Exercising all the duties and functions of the Authority with regard to children and young people under Sections 22 to 24D of the Children Act 1989 and all other enabling powers (maintenance, advice etc) including making any decisions reasonably necessary for their health and wellbeing.	Director of Children's Care				Sections 22 to 24D of the Children Act 1989 and all other enabling powers (maintenance, advice etc) including making any decisions reasonably necessary for their health and wellbeing
Adoption						

	Function	Officer Level				Source Delegation
		1	2	3	4	
	The Agency Decision Maker who makes decisions on all adoption matters (some of which will be made on the basis of a recommendation of the Adoption Panel).				N/A - Can not be delegated.	
	Designated Manager (Placement Orders) The manager who can authorise an application for a Placement Order.				N/A Can not be delegated	
	Exercising all the powers and functions of the Authority under the Adoption and Children Act 2002 and all other enabling powers: a) in relation to the Adoption Service; b) as an adoption agency; and c) generally. This includes the following:	Director of Children's Care				Adoption and Children Act 2002 and all other enabling powers:
	<ul style="list-style-type: none"> Authorisation for Criminal Records Bureau (DBS) check (family placements) 	Director of Children's Care and relevant HOS				

	<ul style="list-style-type: none"> Seeking dispensation of parents' consent in adoption proceedings 	Director of Children's Care				
	<ul style="list-style-type: none"> Decision to present child/young person to Agency Decision Maker 	Director of Children's Care				
	Issuing and conducting proceedings, including care proceedings and applications for placement orders in accordance with the Children Act 1989 and the Adoption and Children Act 2002 and all other relevant legislation and guidance.	Director of Children's Care				Children Act 1989 and the Adoption and Children Act 2002 and all other relevant legislation and guidance

Fostering						
Function	Officer Level				Source of Delegation	
	1	2	3	4		
The Agency Decision Maker who makes decisions on fostering matters (on the basis of recommendations of the Fostering Panel)	Director of Children's Care					

	<p>Designated Manager (Care Plans)</p> <p>The manager who can authorise the final Care Plan to be taken before the Court within Care Proceedings.</p>	<p>Director of Children's Care.</p> <p>All Heads of Service</p>				
	<p>Designated Manager (Care Proceedings)</p> <p>The manager who can authorise the initiating of Care Proceedings.</p>	<p>Chair of Legal Gateway, Head Service, Safeguarding and Care Planning for planned applications. Urgent applications all Heads of Service with retrospective discussion at Legal Gateway Panel. Contact: Ben Short Urgent matters: All Heads of Service</p>				

	<p>Designated Manager (Decision to Look After)</p> <p>The manager who can authorise a child becoming Looked After.</p>	<p>Heads of Service for any in-house or family placement. Rachel Farnham for IFA placements. Contact: Paula Jemson, Ben Short, Paul Rudd, Amanda Richardson. Rachel Farnham – any IFA placement Out of hours: Head of service</p>				
	<p>Designated Manager (Private Fostering)</p> <p>The manager who can approve assessments of private foster carers, impose requirements on private foster carers or decide to prohibit someone from acting as a private foster carer.</p>	<p>All Heads of Service</p>				

	<p>Designated Manager (Notifications)</p> <p>Where a Looked After Child from another local authority has been placed in the area, the manager to whom the notification should be sent.</p>	<p>Head of MACH and Assessment</p> <p>Team Manager MACH</p>				
	<p>Nominated Officer (Immediate Placement of a Looked After Child with Connected Person under Regulation 24)</p> <p>The manager who can authorise the placement of a Looked After child with a family or friend ('Connected Person') who is not already approved as a foster carer.</p>	<p>Head of Service (Residential & Edge of Care)</p>				
	<p>Designated Manager (External Placements)</p> <p>The manager who can authorise placements of Looked After children with external providers of residential care or foster carers from an independent fostering agency.</p>	<p>Executive Director of Children's Services for search and approval of external residential placements.</p> <p>Director of Children's</p>				

		Care for search and approval of external fostering.				
	<p>Designated Manager (Emigration)</p> <p>The manager who can authorise the placement of a Looked after child outside England and Wales.</p>					
	<p>Designated Manager (Exemptions and Extensions from Fostering Limit)</p> <p>The manager who can authorise any exemptions from the usual fostering limit for foster carers living in the local authority area.</p>	<p>Head of Service (Residential & Edge of Care)</p>				
	<p>Designated Manager (Medical Consent)</p> <p>Medical consent who can provide medical consent for health appointments outside of routine planned health appointments.</p>	<p>All Heads of Service</p>				

	Delegated as part of placement plan).					
	<p>Designated Manager (Fostering Panel Appointments)</p> <p>The manager who can authorise appointments to the Central List of Fostering Panel members.</p>	<p>Head of Service (Residential & Edge of Care)</p>				
	<p>Armed Forces</p> <p>Consent to support the appointment of a looked after child to join the Armed Forces.</p>					
	<p>Nominated Officer (Disruption of Education)</p> <p>The manager who can authorise the change of placement affecting a Looked After child in Key Stage 4.</p>	<p>Head of Service Looked After Children</p> <p>Virtual School Head</p>				

	<p>Designated Manager (Death or Serious Injury to a Child)</p> <p>The senior manager who should be notified in the event of death or serious injury to a child.</p>	<p>Director of Children's Care</p> <p>All Heads of Service</p> <p>Out of Hours: If outside of working hours the on-call Head of Service to be notified.</p>				
	<p>Exercising all the powers and functions of the Authority in relation to the fostering of children under Part IX of the Children Act 1989, Section 48 of the Care Standards Act 2000, Part 5 of the Children Act 2004 and all other enabling powers.</p> <p>Approving loans or other financial assistance under Section 23 of the Children Act 1989 and all other enabling powers for the provision of accommodation of children under foster care and to vary the terms of such loans or assistance.</p>	<p>Director of Children's Care</p>				<p>Part IX of the Children Act 1989, Section 48 of the Care Standards Act 2000, Part 5 of the Children Act 2004 and all other enabling powers. Section 23 of the Children Act 1989 and all other enabling powers for the provision of accommodation of children under foster care and to vary the terms of such loans or assistance.</p>

	This includes the following:-					
	Approval of foster carers	Director of Children's Care				
	<ul style="list-style-type: none"> Supporting foster carers' application for a Residence Order 	Director of Children's Care				
	<ul style="list-style-type: none"> Decision to present foster carer application to Fostering Panel 	Director of Children's Care				
	<ul style="list-style-type: none"> Decision to present child/ young person to Fostering Pane 	Director of Children's Care				
	<ul style="list-style-type: none"> Decision to authorise placements under Reg 24 of the Foster Service Regulations 	Director of Children's Care				
	<ul style="list-style-type: none"> Clearance of foster carer applications where offences are identified on Disclosure & Barring checks 	Director of Children's Care				

Early Years						
Function	Officer Level				Source of Delegation	
	1	2	3	4		
Significant decisions regarding the provision of council-funded day	Director of Education and Partnerships					

	care for pre-school and other children.					
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Youth Offending						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Informing court that electronic monitoring is suitable when imposing bail on a person aged between 12 and 17	Director of Education and Partnerships				
	Assessing a young person and arranging for him/her to participate in a rehabilitation programme if appropriate	Director of Education and Partnerships				

Commissioning						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Exercising any function of the Authority under 75 of the National					Section 75 of the National Health Service Act 2006

	Health Service Act 2006 (pooled budgets and commissioning) so far as those functions relate to children and young persons.					(pooled budgets and commissioning) so far as those functions relate to children and young persons
	The provision, operation, commissioning and variation of payments to external providers in respect of services arranged by The Executive Director of Children's Services					

Curriculum and Standards						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Preparation of a written statement of any action the Council proposes to take as a result of any report of the Chief Inspector of Schools stating that special measures are required or that a school requires significant improvement, and taking any action reasonably necessary following an inspection report to implement any of its recommendations					

	<p>Decisions to inspect any maintained school and to exercise the right of entry to any maintained school premises to conduct that inspection, and decisions to issue a warning notice to any maintained school.</p>	<p>Director of Education and Partnerships</p>				
	<p>Ensure that every school maintained by the Authority (including nursery schools and nursery education funded through the LA) meets the general requirements for the curriculum in particular the National Curriculum (including where relevant the Foundation Stage) and religious worship, and to have regard to any guidance issued by the Secretary of State under section 403(1A) of this Act with regard to sex education. to investigate complaints concerning alleged failures of schools to comply with the National Curriculum, and, after consultation with governing bodies, make arrangements related to curriculum to VA and foundation schools.</p>	<p>Director of Education and Partnerships</p>				<p>Guidance issued by the Secretary of State under section 403(1A) of this Act with regard to sex education. to investigate complaints concerning alleged failures of schools to comply</p>

	Provide on behalf of the Authority any information, which the Secretary of State may by regulation require, including through the Education (School Performance Information) (England) Regulations 2001 and the Education (Pupil Information) (England) Regulations 2000, and comply with requirements on setting of annual targets in respect of educational performance.	Director of Education and Partnerships				Education (School Performance Information) (England) Regulations 2001 and the Education (Pupil Information) (England) Regulations 2000
	Supplying Chief Inspector with information requested for the purpose of investigating a complaint about a school, and facilitate a meeting of parents.	Director of Education and Partnerships				
	Maintain an oversight of school standards.	Director of Education and Partnerships				

School Governance and Staffing						
Function	Officer Level				Source of Delegation	
	1	2	3	4		

	Exercising any human resources, personnel or staffing functions in relation to schools maintained by the Local Authority that are not exercised by school governing bodies in line with the Education Act 1996 and s.142 of the Education Act 2002.	Director of Education and Partnerships				Education Act 1996 and s.142 of the Education Act 2002
	Decisions on arrangements for staffing schools of schools without delegated budgets.	Director of Education and Partnerships				
	Applying staffing regulations to federated schools with reference to the Federation of Schools (Community, Schools, Community Special Schools, Voluntary Controlled Schools and Maintained Nursery Schools) (England) Regulations 2003.	Director of Education and Partnerships				Federation of Schools (Community, Schools, Community Special Schools, Voluntary Controlled Schools and Maintained Nursery Schools) (England) Regulations 2003.
	Agree non Councillor appointments to SACRE	Director of Education and Partnerships				
	Decisions to make written representation within 14 days to a voluntary aided or foundation school Governing Body if an applicant is deemed not suitable for appointment by the LA	Director of Education and Partnerships				

	Decisions to appoint persons selected by governing bodies as their clerks	Director of Education and Partnerships				
	Decisions to exercise powers and duties under the School Teacher (Appraisal) Regulations 1991 in respect of head teachers	Director of Education and Partnerships				School Teacher (Appraisal) Regulations 1991
	To agree minor changes to the names of existing schools.	Director of Education and Partnerships				
	Fixing the academic calendar for schools including school terms and holidays.	Director of Education and Partnerships				
	Ensure schools carry out pre-employment checks on all teaching and non-teaching staff to ensure that the Authority does not employ anyone barred from teaching by the Secretary of State, in case of teachers that they are registered with GTC, have qualified teacher status, and have completed their induction, plus check for criminal backgrounds of staff whose posts involve substantial unsupervised access to children.	Director of Education and Partnerships				DBS Guidance

School Attendance and Discipline						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Exercising the Authority's reserve powers under the School Standards and Framework Act 1998 to prevent a breakdown of discipline in schools.	Director of Education and Partnerships				School Standards and Framework Act 1998
	Exercising the Authority's functions under the Crime and Disorder Act 1998 Sections, 1 (anti-social behaviour), 16 (removal of truants to designated premises) and 115 (disclosure of information).	Director of Education and Partnerships				Crime and Disorder Act 1998 Sections, 1 (anti-social behaviour), 16 (removal of truants to designated premises) and 115 (disclosure of information).
	To serve school attendance orders on the parents of any children failing to perform their duty to secure the education of their children and to	Director of Education and Partnerships				Education Act 1996, Sections 437, 438 and 443 and Anti-Social Behaviour Act 2003

	institute proceedings against any parent who fails to comply with the requirements of such an order. (Education Act 1996, Sections 437, 438 and 443 and Anti-Social Behaviour Act 2003.					
	To apply to the Family Proceedings Court for an Education Supervision Order and to exercise the powers of the LEA in respect of Education Supervision Orders and to institute proceedings in the Magistrates' Court if the parent fails to comply with the directions of the Order. (Children Act 1989, Section 36 & Schedule 3 (Part III))	Director of Education and Partnerships				Children Act 1989, Section 36 & Schedule 3 (Part III)
	To institute proceedings on behalf of the Authority against the parent of a child of compulsory school age in respect of the failure of such child to attend regularly at the school at which he/she is a registered pupil, where prescribed conditions have been met. (Education Act 1996)	Director of Education and Partnerships				Education Act 1996)
	To make provision after six days for children excluded from school.	Director of Education and Partnerships				

	Decisions to recoup all or part of the costs incurred in providing education to a permanently excluded pupil.	Director of Education and Partnerships				
	Provided the health of the child will not suffer, to grant licences to children resident in the Borough who are taking part in public entertainment. (Sections 437, 438 and 444 of the Education Act 1996)	Director of Education and Partnerships				Sections 437, 438 and 444 of the Education Act 1996
	To issue licences in respect of the employment of children and to institute proceedings under any employment of children bye-laws. (Children & Young Persons Act 1933 (part II) and 1963 (part II), and all other enabling powers relating to the employment of children and young people.)	Director of Education and Partnerships				Children & Young Persons Act 1933 (part II) and 1963 (part II), and all other enabling powers relating to the employment of children and young people.)

Admissions						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Agreeing changes to the admissions criteria for schools, including temporary changes to planned admission numbers.	Director of Education and Partnerships				Section 2002 Education Act, Education (co-ordination of Admissions Arrangements) (Primary Schools) (England)

						Regulations 2002 as amended by the Education (Co-ordination of Admissions Arrangements) (Primary Schools) (England) (Amendment) Regulations 2003, and the Education (coordination of Admissions Arrangements) (Secondary Schools) (England) Regulations 2002. Section 98 of the 1998 Education Act
	Implementing the admissions process in accordance with section 2002 Education Act, Education (co-ordination of Admissions Arrangements) (Primary Schools) (England) Regulations 2002 as amended by the Education (Co-ordination of Admissions Arrangements) (Primary Schools) (England) (Amendment) Regulations 2003, and the Education (coordination of Admissions Arrangements) (Secondary Schools) (England) Regulations 2002. Consulting and otherwise following the procedures in respect of annual admission limits for schools for which the Authority is the admissions	Director of Education and Partnerships				

	authority and allocating pupils to schools, including directing a governing body to admit to the named school within the Authority's area under section 98 of the 1998 Education Act.					
	Agreeing changes to the policies on home to school transport. Making arrangements for the transport of pupils and students to school or college. Making determinations on eligibility of pupils or students to use home to school transport, including hearing and deciding, or making arrangements for the hearing and deciding of appeals, against such determinations.	Director of Education and Partnerships Making arrangements is the responsibility of the Director of Environment.				

Special Education Needs						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	To respond to appeals made by parents to the Special Educational Needs Tribunal. (Education Act					Special Educational Needs Tribunal. (Education Act 1996 and Regulations made there under)

	1996 and Regulations made there under)					
	To authorise assessments and statements determining the appropriate provision for children with special educational needs in accordance with the requirements of the Education Act 1996 and the SEN and Disability Act 2001.	Director of Education and Partnerships				Education Act 1996 and the SEN and Disability Act 2001.
	To authorise funding for placements of children in non-maintained Schools	Director of Education and Partnerships				
	Authorising students to receive education at an institution of further or higher education maintained by another local education authority.	Director of Education and Partnerships				
	Authorising payment of claims for recoupment by another local education authority in respect of the provision of education to a Middlesbrough pupil of compulsory school age with special educational needs or "looked after" by that authority, and decisions on recoupment of costs incurred in	Director of Education and Partnerships				

	providing education to persons from another local authority area					
	Authorising in exceptional cases variations from approved scales of fees, charges or allowances.	Director of Education and Partnerships				

School Funding						
	Functions	Officer Level				Source of Delegation
		1	2	3	4	
	Decisions to establish and maintain a Schools Forum to advise and/or make decisions, as prescribed in regulations, on the distribution of money between schools and how much should be spent on certain LA-wide functions	Schools Forum Think it needs a post here				
	In consultation with schools and Schools Forum, to determine each school's budget share through the development and implementation of a local Fair Funding Formula, subject to any statutory requirements,	Schools Forum Think it needs a name here				Financing of Maintained Schools (England) Regulation 2003

	including reference to the Financing of Maintained Schools (England) Regulation 2003					
	Approving changes to the local scheme for financial management of schools.					Financing of Maintained Schools (England) Regulation 2003
	In schools without delegated budgets, to decide on the suspension of a schoolteacher and whether the circumstances warranted suspension with or without pay, and decisions to support any governing body proposal of payments in respect of the dismissal/discontinuation of employment of any member of staff.	Director of Education and Partnerships				
	Withdrawing all or part of a school's delegated budget in accordance with LA statutory scheme of delegation.	Director of Education and Partnerships				
	To authorise the implementation of the pay discretions for schoolteachers in accordance with the local authority's schoolteachers Pay Policy	Director of Education and Partnerships				

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Capital Strategy and School Premises						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	Arrangements and decisions to prioritise capital spend on the school estate.	Director of Education and Partnerships				
	Taking any action reasonably necessary for the day-to-day maintenance of school and educational buildings or grounds in operational use.	Director of Education and Partnerships				
	Authorising the exercise of the Authority's statutory duty to transfer sites to the trustees of voluntary schools, and facilitating the transfer of land to Academies as agreed by Executive	Director of Education and Partnerships				

<p>Authorising the removal of a person from premises and to institute legal proceedings against an individual who is unlawfully present of educational premises and who is causing or permitting a nuisance or disturbance on said property. (Education Act 1996, section 547 and Local Government (Miscellaneous Provisions) Act 1982, section 40)</p>	<p>Director of Education and Partnerships</p>				<p>Education Act 1996, section 547 and Local Government (Miscellaneous Provisions) Act 1982, section 40)</p>
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School Organisation

School Organisation						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	<p>Giving statutory notice of any proposal for the change of character, closure, opening or expansion of a school or educational institution. (Education and Inspection Act 2006)</p>	<p>Director of Education and Partnerships</p>				<p>Education and Inspection Act 2006</p>
	<p>To approve proposals that should be determined by the Authority and referring those raising significant issues, including statutory objections, to</p>					

	Executive for determination, in consultation with the Portfolio Holder.					
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General						
	Function	Officer Level				Source of Delegation
		1	2	3	4	
	To act as the Council's statutory officer under s.18 of the Children Act 2004. Representing, or arranging for the representing of, the Authority as Local Education Authority in relation to matters concerned with the provision of education and skills.	Director of Education and Partnerships				s.18 of the Children Act 2004.

DRAFT