

LISBURN & CASTLEREAGH CITY COUNCIL

SCHEME OF DELEGATION

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SECTION 1

INTRODUCTION & INTERPRETATION

- 1.1 This scheme of Delegation ('the Scheme') is made by Lisburn & Castlereagh City Council pursuant to Sections 7 and 19 of the Local Government Act (Northern Ireland) 2014 and Section 31 of the Planning Act (NI) 2011.
- 1.2 The purpose of the Scheme is to set out the decisions and authorisations which Chief / Senior Officers can make or grant without any further reference to Council or Committees subject to, where highlighted, the relevant Committee being kept advised by means of regular reports in relation to the exercise of these delegated powers. The Scheme is designed to aid the integrated management of the organisations, the effective deployment of resources and the efficient delivery of services and it should be interpreted accordingly.
- 1.3 In accordance with Section 7(3) of the Local Government Act (Northern Ireland) 2014 the Scheme does not delegate;
- Setting of a district rate under the Rates (Northern Ireland) Order 1977;
 - Making a determination under section 13(1) of the Local Government Finance Act (Northern Ireland) (affordable borrowing limit) and monitoring an amount determined under that subsection;
 - Borrowing money; and
 - Acquiring or disposing of land.
- 1.4 An Officer may only exercise a delegated function under this Scheme subject to, and in accordance with –
- The agreed plans (including but not limited to Corporate and Departmental Plans), policies, programmes and objectives approved by the Council.
 - The Standing Orders, Account Manual, Financial Regulations, Equality Scheme, Codes of Conduct and any other relevant governance policies contained within the Council's Constitution.
 - The agreed estimates for their department.
- 1.5 Delegation to deal with any matter shall not derogate from the power of the Council or relevant Committee to call for a report on any decision or action taken under the Scheme.
- 1.6 A Chief Officer may, notwithstanding their power of delegation, refer a matter to the relevant Committee in any case involving controversy or unusual circumstances.
- 1.7 Authority to take decisions and other actions pursuant to the Scheme shall be exercised in the name of the delegated officer but not necessarily personally by them. In the absence of the officer to whom a function is delegated, the function may be exercised by the officer(s) responsible for the performance of their duties during such absence.

- 1.8 In any case where the exercise of a delegated power involves considerations within the remit of another Chief Officer, the Chief Officer exercising the power shall consult with that other Chief Officer prior to taking any final decision.
- 1.9 Any reference in the Scheme to a statutory enactment shall be deemed to include any modification or re-enactment thereof.
- 1.10 Authority to exercise any delegated power shall include authority to take all reasonable necessary actions of an incidental or consequential nature.
- 1.11 Where the exercise of a delegated function requires consultation with the Chairman of a Committee, the Vice Chairman may act in the absence or non-availability of the Chairman.

SECTION 2.0

GENERAL DELEGATED FUNCTIONS

The exercise of the following general functions is delegated to **all Chief Officers**

2.1 GENERAL ADMINISTRATION

- 2.1.1 Taking all necessary action for the effective day-to-day management, administration and supervision of the department, services and land and property assets for which the Chief Officer is responsible.
- 2.1.2 Implementing those actions, programmes and initiatives which the Chief Officer is responsible for, as set out in agreed Council plans (refer to 1.4) subject to regular reporting to the relevant Committee and to the expenditure being within agreed estimates.
- 2.1.3 Management of consultancy assistance, where required, subject to relevant Council policies and regular reporting to the relevant Committee on the use of this delegated authority.
- 2.1.4 To Co-ordinate, where necessary, and carry out market research and customer sampling surveys within Council policy.
- 2.1.5 Making initial applications for grant funding from external bodies where there is not sufficient time for Council approval to be obtained provided that there is no commitment for Council funding and that any subsequent decision to proceed remains subject to Committee approval.
- 2.1.6 Developing and implementing specific promotions, schemes and events (including the provision of prizes) in line with any relevant Council policies.
- 2.1.7 In consultation with the Chief Executive, to Instruct the Council's Legal representative(s) to instigate or withdraw legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Chief Officer's department. In the case of withdrawal, such action will require retrospective Council approval.
- 2.1.8 In consultation with the Chief Executive, to authorise the obtaining of legal advice on appropriate matters affecting the Chief Officer's Department.
- 2.1.9 Direct persons to leave Council premises in accordance with Council policy and relevant legislation.

2.2 FINANCE

- 2.2.1 Paying the cost of an employee's professional fees where it is an essential criteria for execution of duties in accordance with Council Policy.
- 2.2.2 Authorising any employees to attend training and development events, technical visits and courses, including conferences, exhibitions, workshops and seminars and meetings of appropriate professional associations, subject to any relevant Council policies.
- 2.2.3 Authorising appropriate payments to employees in their department in respect of telephone, travel and subsistence allowances, overtime, additional duties, costs of study courses and removal and relocation expenses, in accordance with Council policies.
- 2.2.4 Granting of small scale hospitality pursuant to Section 37 of the Local Government Act (Northern Ireland) 1972 subject to the financial limits set.
- 2.2.5 Acting as authorised signatories for cheque payments in accordance with policy.

2.3 EMERGENCIES & CASES OF URGENCY

- 2.3.1 Taking such measures, including incurring expenditure, as may be required in emergency situations or cases of urgency, subject to advising the Chief Executive, the Mayor, and the appropriate Chair and, in his / her absence Vice Chair and reporting to the appropriate Committee as soon as possible.

2.4 MANAGEMENT OF LAND AND PROPERTY ASSETS

The exercise of the following delegated powers is in relation to the management of the land and property assets (e.g. civic centre leisure centres, community centres, parks and open spaces) for which the Chief Officer has responsibility. The use of these delegated powers is subject to Para 1.3 above that there is no disposal, holding or acquisition of land involved.

- 2.4.1 Permitting the use of such assets by Council departments and services and outside bodies in line with the appropriate services provision.
- 2.4.2 Varying the opening times of, or restricting access to, or closing such assets in special circumstances (for example to permit maintenance or other operational reasons) in consultation with the Chairman of the relevant Committee.
- 2.4.3 Approving the holding of events, conferences and promotions in such assets and applying any necessary hire and/or admission charges or discounted pricing in line with Council policies.

2.5 HUMAN RESOURCES

The exercise of the following delegated powers is subject to consultation with the Director of Corporate Services to ensure that decisions are taken in accordance with any relevant Council

policies and appropriate consultation with the Corporate Management Team and that the appropriate Committee is kept fully advised by way of regular reporting. Staff management changes that result in an increase in the approved staffing establishment and staffing budget for a department will be subject to approval by the Corporate Services Committee.

- 2.5.1 Creating temporary posts provided that there is no increase in the Department's approved staffing establishment and staffing budget in accordance with all relevant Council policies and approving the payment of acting up and honoraria, where appropriate, to an employee in accordance with all relevant Council policies.
- 2.5.2 Appointing successful applicants to posts in line with the employment policies and practices adopted by the Council.
- 2.5.3 Allowing or disallowing all requests for special leave, of any kind, in accordance with the Schemes of Conditions of Service adopted by the Council.
- 2.5.4 Granting paid special leave to an employee in exceptional circumstances, and approving other paid or unpaid leave of absence subject to all relevant Council policies.
- 2.5.5 Taking action, including terminating or varying contracts of employment in respect of employees in the relevant department in accordance with all relevant Council policies following consultation with the Head of Human Resources.

2.6 PROCUREMENT

(It should be noted that L&CCC policies and procedures require finalisation so as to align to the Accounting Manual. Once these have been finalised the Accounting Manual can be cascaded across the entire organisation. It is recognised that in the interim period some of the existing policies and procedures within the extant councils will remain in place).

The exercise of the following delegated powers is subject to consultation with the Director of Service Support to ensure that decisions are taken in accordance with any relevant Council policies, including Standing Orders, the Accounting Manual and the Financial Regulations, and that where necessary, the appropriate Committee is kept fully advised by way of regular reporting.

In accordance with section 100(1) of the Local Government (Northern Ireland) Act 1972, as amended in 1995, any contract that exceeds the statutory amount (currently £30,000 {exclusive of VAT}) needs to be made under the Corporate Seal. In accordance with the Council's Standing Orders, the Corporate Seal can only be affixed when there is a resolution of the Council.

- 2.6.1 Procuring goods, services or works under the statutory limit of £30,000 where the procurement –
 - is in relation to matters of a routine or recurring nature; or
 - is in relation to the operational requirements of the Department provided that it is not of an unusual or controversial nature; or

- is in relation to the operational requirements of the Department provided that it is not of an unusual or controversial nature; or
 - is contained within an agreed Council plan.
- 2.6.2 Approving the changing of sureties by contractors provided the Council's interests remain fully protected.
- 2.6.3 Revising contract rates as a result of increase in the national minimum wage or other indexed linked provision. Any revision should be reported relevant committee for noting, in accordance with the terms of contract.
- 2.6.4 Determining a contract awarded by the Council where the contractor is in breach of contract and unable or unwilling to proceed therewith, subject to prior consultation with the Chairman of the relevant Committee and Chief Executive and, where necessary, the Council's Legal Representative(s).
- 2.6.5 Taking action to ensure contract compliance and negotiating claims and contract variations.
- 2.6.6 Signing maintenance agreements subsequent to capital acquisitions agreed by the Council.
- 2.6.7 Making arrangements for the supply of goods and services pursuant to Section 105 of the Local Government Act (Northern Ireland) 1972 as amended and updated.

2.7 SMALL GRANTS SCHEMES

- 2.7.1 Approving the allocation of small grants in line with the award criteria (up to a maximum level of £10,000), where the Committee has established and/or administers a scheme and has authorised the Chief Officer to manage its implementation, subject to regular reporting to the relevant Committee on the exercise of this delegated power.

SECTION 3.0

SPECIFIC DELEGATED FUNCTIONS BY DIRECTORATE

CHIEF EXECUTIVE OFFICE

Area	Decision / Task	Restrictions	Officer with Delegated Authority
Legal Documents	Signing legal documents and affixing of the Corporate Seal	Statutory financial limits & Standing Orders	Chief Executive

ENVIRONMENTAL SERVICES DIRECTORATE

Central / Directorate Services

Area	Decision / Task	Restrictions	Officer with Delegated Authority
Officer Authorisation	Authorising Officers to act under relevant legislation	Issues requiring committee approval	Director of Environmental Services
Landfill Allowance Scheme (NI) Regulations	Authorisation of the request to Transfer Landfill allowances forms.		Director of Environmental Services.
Grave Leases	Authorising and signing of Grave Leases		Director of Environmental Services

Environmental Health Unit

Area	Decision / Task	Restrictions	Officer with Delegated Authority
<ul style="list-style-type: none"> - Food Safety - Food Standards - Animal By Products - Imported Food Control - Tobacco Sales to Children - Smoking in smoke free premises & vehicles - Derelict & Dilapidated Buildings - Statutory Nuisance - Light Nuisance - Insect Nuisance - Private Tenancy - Harassment & illegal eviction - Tenancy deposits - Landlord registration 	<ul style="list-style-type: none"> - Issue contravention notices - Instigate legal proceedings - Issue fixed penalties 		Head of Environmental Health

Private Drinking Water supplies	Risk assessment of supply & Consultation		Head of Environmental Health
Alley Gating			
Exhumations	Approve & monitor		Head of Environmental Health
<ul style="list-style-type: none"> - Street Trading Licence - Entertainment Licensing - Cinema Licensing - Caravan Licensing - Amusement permits 	<ul style="list-style-type: none"> - Issue Licence - Issue Contraventions Notices - Instigate Legal Proceedings 	<u>Committee approval required for:</u> <ul style="list-style-type: none"> - Designation of area (street trading) - Controversial applications with objections to licence & conditions - New applications for licence 	Head of Environmental Health
Lotteries	Approve lottery		Head of Environmental Health
Civic Partnerships & Civil Marriage venues	Approve venues		Head of Environmental Health
<ul style="list-style-type: none"> - Pest Control - Noise Abatement 	<ul style="list-style-type: none"> - Issue abatement notices - Instigate legal proceedings 		Head of Environmental Health
Control of Dogs	<ul style="list-style-type: none"> - Issue Licence - Issue fixed penalty notices - Instigate Legal Proceedings 		Head of Environmental Health
<ul style="list-style-type: none"> - Safety of Consumer Goods - Anti-Social Behaviour - Health & Safety - Sunday Trading - Sports Grounds 	<ul style="list-style-type: none"> - Issue contravention notices - Instigate legal proceedings 		Head of Environmental Health
Anti-Social Behaviour	<ul style="list-style-type: none"> - Issue contravention notices - Instigate legal proceedings 		
Storage of fireworks	<ul style="list-style-type: none"> - Registration of premises to store fireworks 		Head of Environmental Health

Child Protection & Adult Safeguarding	- Referral of concerns to PSNI & Social Services	Child Protection & Vulnerable Adults Policy	Designated Officer(s)
Petroleum Licensing	- Issue Licence approval, grants, renewals, variations & rejections.		Head of Environmental Health
Off-Street Car Parking	- Progression of non-payment of Fixed Penalty Notices		Head of Environmental Health

SERVICE TRANSFORMATION DIRECTORATE

Building Control Unit

Area	Decision / Task	Restrictions	Officer with Delegated Authority
- Building Regulations	<ul style="list-style-type: none"> - Issue approval certificates - Issue completion certificates - Issue regularisation certificates - Issue contravention notices - Instigate legal proceedings / enforcement 	<p><u>Committee approval required for:</u></p> <ul style="list-style-type: none"> - <i>Fee Waivers</i> - <i>Policy Issues</i> 	Head of Building Control
- Street & Postal Numbering	<ul style="list-style-type: none"> - Street Numbering - Issue postal number certificates 	<p><u>Committee approval required for:</u></p> <ul style="list-style-type: none"> - <i>Street Naming</i> - <i>Applications to rename or dual language</i> - <i>Policy issues</i> 	Head of Building Control
- EPB Legislation	<ul style="list-style-type: none"> - Issue EPB FPM - Instigate legal proceedings / enforcement 		Head of Building Control
- Dangerous Structures	<ul style="list-style-type: none"> - Issues notices - Instigate legal proceedings / enforcement 		Head of Building Control

Planning Unit

Area	Decision / Task	Restrictions	Officer with Delegated Authority
<p>- Planning</p>	<p>- Determination of planning applications</p>	<p><i>Planning Committee approval required for:</i></p> <ul style="list-style-type: none"> - Applications which fall within the major category of development; - Applications for planning permission where the application is made by the Council or and elected member of the council; - Applications relating to land in which the council has an interest; - Applications which are significant departures from the Development Plan and which are recommended for approval; - Applications submitted by members of council staff involved in the consideration of planning applications, including senior council staff; Applications which the Council considers should be referred to Committee for determination. A sound planning reason must be given for such referral; - Applications where the Head of Planning considers that the proposals merits consideration by the Committee; - Any application that the appointed officer is minded to approve under terms of this scheme of delegation, but which is the subject of an extant objection from a statutory consultee; - Any application where a legal agreement is required 	<p>Head of Planning & Capital Development</p>

-Planning	Enforcement and Consideration of Other Matters	<p><u>Planning Committee Approval Required for:</u></p> <p>The making of a Tree Preservation Order</p> <p>Confirmation of a Provisional Tree Preservation Order</p> <p>The Formal reporting of planning enforcement matters to the Public Prosecution Service / commencement of proceedings in a Magistrates court</p>	Head of Planning & Capital Development
Officer Authorisation	Authorising Officers to act under relevant legislation	Issues requiring committee approval	Director of Service Transformation

SERVICE SUPPORT DIRECTORATE

Area	Decision / Task	Restrictions	Officer with Delegated Authority
Purchasing	Treasury Advice & Schedule for Council for payments to Suppliers		Director of Service Support
Purchasing	Urgent Payment Request		Director of Service Support
Investments	Treasury Management	Treasury Management Policy	Director of Service Support
Finance	Writing off any loss of money (including bad debts) and loss of stores and obsolete equipment and materials	Financial Regulations and Accounting Manual.	Director of Service Support
Budgetary Control	Authorising the profiling and virement of budgets (the transfer of budget from one budget heading to another)	Financial Regulations and Accounting Manual.	Director of Service Support

LEISURE & COMMUNITY WELLBEING DIRECTORATE

Area	Decision / Task	Restrictions	Officer with Delegated Authority
Community Grants Schemes Community Festival Grant Scheme	Award of Grants	All awards to be reported to Committee for noting	Head of Communities
Community Grant Schemes Community Festival Grant Scheme	Consideration of Appeals	All appeal decisions to be reported to Committee for noting.	Director of Leisure & Community Wellbeing
Pricing relating to temporary special promotions / marketing initiatives.	Agree prices		Director of Leisure & Community Wellbeing
'In year' variations to schedule of charges reviewed and agreed annually by Council.	Agree charges	All variations to be reported retrospectively to Committee for noting.	Director of Leisure & Community Wellbeing

APPENDIX A – DEFINITION OF CHIEF / SENIOR OFFICER

In this Scheme the expression of Chief Officer means:

- Chief Executive
- Director of Leisure & Community Wellbeing
- Director of Environmental Services
- Director of Service Transformation
- Director of Service Support

In this Scheme the expression of Senior Officer means:

Chief Executive's Department

Head of Audit, Risk & Performance

Leisure & Community Wellbeing Department

Head of Parks & Amenities

Head of Sports Services

Head of Communities

Environmental Services Department

Head of Building Control

Head of Waste Management & Operations

Head of Environmental Health

Service Support Department

Head of Finance

Head of Corporate Communications & Administration (Not yet implemented)

Head of Human Resources & Organisation Development

Service Transformation Department

Head of Planning & Capital Development

Head of Assets

Head of Economic Development

Transformation Portfolio Office

Appendix B Legislation under which delegated functions has been assigned to the Director of Environmental Services & Director of Service Transformation

- (i) Note that these are the principal pieces of legislation under which the Council derives its functions. This list is not exhaustive. Any delegation to an officer to take action under a particular statutory provision, or relevant local authority bye-law, shall be deemed to authorise action under any statutory re-enactment or amendment of that provision, and any statutory regulations, order, or direction made under that provision both before and after the date of this Scheme. References to statutory requirements in this scheme include relevant European legislation and directives as applicable.

LEGISLATION	NOTES
Anti-Social Behaviour (NI) Order 2004	
Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985	Excluding provisions relating to the grant of Amusement or Pleasure Permits and the renewal of same where adverse representatives have been made
Betting and Gaming (NI) Order 2004	
Building (Prescribed Fees) Regulations (NI) 1997	Building Control
Building Regulations (NI) Order 1979	Building Control
Building Regulations (NI) 2012	Building Control
Caravans Act (NI) 1963	
Children and Young Persons (Protection from Tobacco) (NI) Order 1991	
Cinemas (NI) Order 1991	
Clean Air (NI) Order 1981	
Clean Neighbourhoods and Environment Act (NI) 2011	
Consumer Protection Act 1987	

Control of Greyhounds etc. Act (NI) 1950	
Dangerous Dogs Compensation and Exemption Schemes Order (NI) 1991	
Dangerous Dogs (NI) Order 1991	
Dangerous Substances and Explosive Atmospheres Regulations (NI) 2003	
Dogs (NI) Order 1983	
Dogs (Amendment) Act (NI) 2001	
Dogs (Amendment) Act (NI) 2011	
Environment (NI) Order 2002	
European Communities Act 1972	
Explosives Act (NI) 1970	

Food Act 1984	
Food and Environment Protection Act 1985	
Food (NI) Order 1989	
Food Safety (NI) Order 1991	
General Product Safety Regulations 2005	
Hairdressers Act 1939	
Health and Personal Social Services (NI) Order 1978	
Health & Safety at work (NI) Order 1978	
High Hedges Act (NI) 2011	
Housing (Amendment) Act (NI) 2011	
Housing (NI) Order 2003	
Housing (NI) Order 1992	
Industrial Pollution Control (NI) Order 1997	
Licensing (NI) Order 1996	
Litter (NI) Order 1994 Excluding Article 10	
Local Government Act (NI) 1972	Bye Law
Local Government (Miscellaneous Provisions) (NI) Order 1985	Excluding provisions relating to the issue of entertainments licences where adverse representatives have been made
Local Government (Miscellaneous Provisions) (NI) Order 1992	
Local Government (Miscellaneous Provisions) (NI) Order 1995	
Local Government (NI) Order 2005	
Noise Act 1996 (as amended)	
Petroleum (Consolidation) Acts (NI) 1929 and 1937	
Poisons (NI) Order 1976	
Pollution Control and Local Government (NI) Order 1978	

Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2012	
Private Tenancies (NI) Order 2006	
Public Health Acts 1878 to 1971	
Public Health and Local Government (Miscellaneous Provisions) Act 1949	
Rats and Mice Destruction Act 1919	
Registration of Clubs (NI) Order 1996	
Rent (NI) Order 1978	
Safety of Sports Grounds (NI) Order 2006	
Shops (Sunday Trading & C.) (NI) Order 1997	
Smoking (NI) Order 2006	
Street Trading Act (NI) 2001	
The Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008	

The European Union (Withdrawal) Act 2018 as amended by The European Union (Withdrawal Agreement) Act 2020	
The Health (2009 Act) commencement No. 1 Order (NI) 2012	
The Planning (NI) Order 1991	
The Roads (NI) Order 1993	
The Road Traffic Regulation (NI) Order 1997	
The Sunbeds Act (NI) 2011	
The Volatile Organic compound in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005	
Tobacco Advertising and Promotion Act 2002	
Town Improvement Clauses Act 1847	
Waste and Contaminated Land (NI) Order 1997	
Waste and Contaminated Land (Amendment) Act (NI) 2011	
Welfare of Animals Act (NI) 2011	
Welfare Services Act (NI) 1971	