

**RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**  
**OFFICER DELEGATIONS**

**A. Preamble**

1. The Officer Delegations are to be read in conjunction with Financial Regulations, the Code of Practice to Financial Regulations, the Procedure Rules for Contracts, and the Purchasing Policy of the Council and its Codes of Practice, in which will be found certain other specific delegated powers, and which may limit or qualify the powers conferred by this document.
2. For the purposes of this document, the Executive of the Council is designated as the Cabinet, acting collectively or under delegated powers conferred on individual Cabinet Spokespersons, and officers, acting under delegated powers conferred by this document. The specific powers of the Cabinet, Cabinet Spokespersons, the full Council, Regulatory Boards, Appointment Panels and Scrutiny Commissions are detailed in other documents of the Constitution.
3. The exercise by officers of the Council in accordance with the Executive powers conferred by the Local Government Act 1972 and Local Government Act 2000 and within the following Delegations is subject to:-
  - (a) Save in the cases of urgency referred to in paragraphs 18 and 19, expenditure or income being within the approved estimates, approved arrangements for the virement of expenditure by the Executive and Council policy framework or having received the prior approval of the Council;
  - (b) Full consultation with the Executive Director, Core Services in matters involving legal considerations or where court proceedings are or may be involved; and
  - (c) All purchases, sales, leases or appropriations of land, not being transactions within the terms of sub-paragraph (a) above or the subject of delegations to the Executive Director, Core Services, receiving the consent of the Cabinet or Council where such transactions are reserved to the Council for approval.
4. Regulations issued in 2012 (No. 2089) require that an officer taking an executive decision, particularly in exercise of an executive function, has to publish a written statement about the decision as soon as practically possible after the decision is taken. The appendix to this document sets out the procedures in place to put this requirement into effect.
5. Where the same power referred to in this document as exercisable by the Cabinet collectively or an individual Cabinet Spokesperson and an officer, it shall be exercised at the lowest level (eg officer level) but no delegation shall preclude the reference of matters to the Cabinet or an individual Cabinet Spokesperson as applicable for a decision nor preclude the exercise of any powers within their competence by the Council, except where action has already been taken in the exercise of a power referred to in this document.

6. In accordance with section 101 of the Local Government 2000 and any order made thereunder the Council will indemnify officers and Members acting bona fide in the exercise of the functions of the Council in any case where proceedings may be taken against them in respect of acts done by them in discharge or purported discharge of functions delegated to them.
7. Reference in this document to an officer in relation to the exercise of powers shall, unless statute precludes, be deemed to include any employee of the Council and their deputy or any other officer or employee authorised by him/her to act in cases where the officer or employee concerned is not available to act provided that where services are provided under the terms of a contract won in competition this power shall only be exercised by the Employer's Representative or their representative, or by some person to whom he/she has delegated that power.
8. References herein to any enactment shall be deemed to include any statutory provisions which may from time to time replace, amend or extend the provisions of that enactment and any orders, directions, regulations, code or bylaws made there under and any ministerial circulars or advice notes relating thereto.
9. In urgent matters, and subject to subsequent report to the Council or the Cabinet for a decision for future reference, the Monitoring Officer shall resolve any doubt as to the appropriate decision-making route through which the same shall be referred for action.
10. The Scheme of Delegations does not derogate from the functions of the Chief Executive and Executive Directors in respect of the day to day management of their services or the disposition or direction of employees within their respective Directorates, Business Units, Departments or Divisions.
11. The Chief Executive and Executive Directors are authorised to exercise, concurrently, all powers delegated from time to time to relevant Service Directors within their Directorate, Business Unit, Department or Division, except where limitations of statute prevent their exercise.
12. For the avoidance of doubt, where a power or duty or authority is exercisable by an officer within these Delegations, that officer is hereby given authority to further delegate any such power, duty or authority to any other officer they may nominate, in the interests of the Council or for the better performance of any such power, duty or authority.

## **B. General Provisions for Officer Delegations**

1. The Chief Executive and Executive Directors respectively, are authorised to incur expenditure without specific Cabinet or Council approval up to a maximum of £250,000 in any one case where the sum(s) can be provided for within current approved estimates for the service, but only where it is in compliance with general budget and policy framework of the Council, Standing Orders, Financial Regulations and Contract Procedure Rules. Aggregation of like or associated expenditure will be necessary when determining whether the maximum has been exceeded in any one case. Income generating contracts may be similarly approved up to a maximum of £250,000 and subject to the same conditions as for expenditure.

In the case of capital expenditure which falls within the limits of this delegation, the Chief Executive and Executive Directors are also authorised to approve the inclusion of the said scheme within the Capital Programme and its release in accordance with Financial Regulations, subject to consultation with the Executive Director, Core Services.

The limit of £250,000 shall not apply to expenditure which is inevitable, as defined by the Executive Director, Core Services, for the day to day provision of services (e.g. day to day supplies, payment of energy bills etc.), or where such expenditure is under the terms of Framework Agreements, Corporate Contracts or similar arrangements, provided that such expenditure was in the contemplation of Members when the revenue budget was approved or is necessary to comply with the requirements of contracts won by the Council in competitive tender.

2. The Chief Executive and Executive Directors are authorised to vire amounts up to and including £250,000 in any one instance within a service within their respective Budgets for Employees, Premises, Supplies and Services and Transport, with the exception of virements affecting expenditure on the sub headings for rates, insurances, planned maintenance, central support charges, administrative building charges, grant aided schemes, energy management, professional fees (for Architects, Engineers etc.) and financing charges, subject to the Financial Regulations and the Associated Code of Practice which provide for additional exclusions.

Beyond these limits, the relevant Cabinet Spokespersons are authorised:

- (a) To approve variations and virements at an unlimited amount to overall capital or revenue programmes where the cost can be contained within the overall budgetary allocation for the service concerned, subject to the Financial Regulations, which provide for additional exclusions.
- (b) To approve variations to overall capital or revenue programmes by the inclusion of additional schemes funded from whatever source where that funding has been specifically provided for the scheme in question and the Council has no discretion as to the use of that funding.

Subject to the operation of the principles and protocols for delegated decision making by individual Cabinet Spokespersons.

3. The Chief Executive and Executive Directors are authorised to make bids for external funding for schemes within their services consistent with the Council's priorities, subject to the relevant Cabinet Spokesperson(s) and Service Director Finance having been advised of the proposed bid and, in the event that the bid is successful, the approval of any resultant scheme and / or expenditure in accordance with the respective delegated financial limits.
4. The Executive Director, Core Services is authorised to commence legal proceedings whether civil or criminal as they deem appropriate under any statutory provisions within the powers and duties of the Council, whether or not such powers and duties are exercisable by the Council or Cabinet, a Committee or Sub-Committee or officer, in consultation with the Chief Executive or Executive or Service Directors, as appropriate.

5. The following provisions are made for urgent action:
  - (i) The Chief Executive and Executive Directors respectively are empowered, after consultation with the Leader and Deputy Leader of the Cabinet (or either of them if the other is not reasonably available) and the Cabinet Member responsible for the relevant portfolio (or one other Cabinet Member if the appropriate Cabinet Member is not reasonably available) to take or authorise any action on any matter which they consider cannot await a meeting of the Cabinet, provided that such action shall be reported for information to the next available meeting of the Cabinet.
  - (ii) Where any action or matter which it is considered, under paragraph (i) above, cannot wait for a meeting of the Cabinet is a Key Decision as defined in Appendix P to the Constitution, the Officer concerned shall be required also to consult the Chair of the Overview and Scrutiny Committee, or in their absence the Mayor or the Deputy Mayor
  - (iii) Where any action or matter is to be considered which is contrary to or would require a variation to the Council's Budget (except for virement between budget heads within prescribed limits) and/or Policy Framework as defined within paragraph 1 of the matters reserved for Council but requires a decision before the next scheduled meeting of the Full Council, such a decision may be taken by the Cabinet, if it is impractical to convene a quorate meeting of the Full Council in the time available before a decision must be made, subject to the responsible Officer consulting the Chair of the Overview and Scrutiny Committee, or in their absence the Mayor or the Deputy Mayor, and reporting the outcome of this consultation at the relevant Cabinet meeting.
6. The Chief Executive, or in their absence any member of the Council's Leadership Team (Executive Directors and Service Directors), shall be authorised to declare a Critical (Tier 2) or Major (Tier 3) Incident, activate the Council's Corporate Resilience Plan and convene the Gold Team and Silver Team, in line with procedures set out within the Council's Corporate Resilience Plan and/or associated documents. Once activated, the Chief Executive, or any officer authorised by him / her, shall be authorised to take such action as is considered necessary to deal with the incident in question. The Silver Team, or any member(s) thereof, shall also be authorised to request mutual aid or consider the provision of mutual aid if requested by another local authority under the terms of any arrangements made with the authority in question, subject to the prior consultation, where possible, or as soon as possible thereafter, of the Chief Executive, or other member of the Gold Team, on the action to be taken. The exercise of these delegated powers is, in all cases, subject to a report on the action taken being submitted to the next available Cabinet meeting.
7. The Chief Executive, or in her absence any member of the Council's Leadership Team (Executive Directors and Service Directors), is authorised to conclude and maintain suitable Emergency Planning Mutual Aid arrangements with Derbyshire, Rotherham, Sheffield, Doncaster, Wakefield and Kirklees Councils.
8. The Chief Executive, and each Executive Director and Service Director, respectively is responsible for ensuring compliance with the Data Protection Acts 1998, the Freedom of Information Act 2000, the Health and Safety at Work etc., Act 1974, the Construction (Design and Management) Regulations 2015, and all other

appropriate Regulations, Directions, Circulars, Guidelines etc. (utilising the services of the Service Director Environment and Transport, the Service Director Regeneration and Culture, Head of Highways and Engineering or Group Leader - Assets as appropriate) in so far as their service is concerned.

9. The Executive Director, Core Services is authorised to negotiate, conclude and execute on behalf of the Authority any document or agreement required to give effect to any decision taken by or on behalf of the or by the Cabinet or on behalf of Council, whether or not that decision specifically records such an authorisation, provided that where expenditure is authorised under paragraph B1 above, any documentation giving effect to that expenditure may be entered into by the officer incurring the expenditure.
10. Subject to the requirements of Procedure Rules for Contracts and Financial Regulations, the financial limit set under paragraph B1 above, ie £250,000, also applies, unless otherwise stipulated, to other financial decisions capable of being made by the relevant officer, e.g. ability to waive liquidated damages for individual projects (in consultation with the Executive Director, Core Services); employment of consultants/experts where this does not form part of the approved revenue budget, in conjunction with the Executive Director, Core Services; ability to deal with the sale or disposal of surplus stocks, stores or equipment based on their estimated open market/residual value, whichever is the higher; ability to provide professional services to other Local Authorities, or such other items as are approved by the Cabinet from time to time.
11. The Chief Executive and Executive Directors respectively are authorised, to make variations to capital estimates (pre-contract estimates) for schemes over £250,000 in value only where the aggregate of all such variations do not exceed the lower of £250,000 or 10% of the original figure on which a policy decision was made, subject to them being contained within approved resources.
12. In respect of contracts with an estimated value not exceeding the Financial Threshold for Key Decisions (i.e. £500,000), except where a lower value is indicated below, the Chief Executive and Executive Directors are authorised to approve the following with regard to the invitation or acceptance of tenders and related matters subject in all cases to the financial implications of the anticipated value of the relevant contract having been approved or otherwise provided for within current approved estimates:-
  - (i) the decision to seek the inviting of offers by way of negotiated procedure pursuant to Rule 4.4 of the Council's Contract Procedure Rules or the selection of any person with whom to negotiate following the invitation of such offers in respect of contracts with an estimated value not exceeding £250,000;
  - (ii) the approval of approved lists of contractors to be kept pursuant to Rules 2.2c, 3.4 and 4.1 of the Council's Contract Procedure Rules and the procedure referred to therein;
  - (iii) the selection of any persons to be invited to tender pursuant to Rule 4.2 of the Council's Contract Procedure Rules;

- (iv) the acceptance of tenders invited under Contract Procedure Rule 15;
- (v) acceptance of any tenders invited under Procedure Rule 15 or any bid submitted by way of a negotiated procedure under Rule 4.4 which represents the most economically advantageous offer where this is provided for in the award criteria referred to in Rule 13;
- (vi) subject to (vii) below, to not seek competition for the procurement of any goods, works or services in the circumstances permitted by Rule 5 where the estimated value of the contract does not exceed £250,000;
- (vii) to not seek competition for the procurement of any goods, works or services in the circumstances permitted by Rule 5.6 (a) (proprietary or patented goods), 5.6(i) (instruction from counsel/solicitors), 2.2(a) (procurement through consortia), 5.6(f) (art or museum specimens), or 5.6(h) (Section 278 of the Highways Act 1980), subject to the specific restrictions applicable in each case;
- (viii) to accept the lowest suitable tender for any capital or revenue project which is within 10% of the latest approved estimate for the provision of works, goods or services or £250,000 whichever is the lower and which can be contained within approved resources. Any such decision shall be reported for information within the relevant Budget Monitoring report submitted to Cabinet or the relevant Cabinet Spokesperson, as appropriate;

Subject to the requirements of Contract Procedure Rules and Financial Regulations.

13. Where the lowest suitable tender is below the approved estimate, additional works, goods or services from approved programmes may be included in the contract up to the value of the approved estimate by the Chief Executive or Executive Directors, subject to the contractor's agreement and to compliance with Contract Procedure Rules and Financial Regulations.
14. The Chief Executive and Executive Directors, in agreement with the Client Agent, Employer's Representative or appropriate Council Representative where applicable, are authorised to vary the approved capital programme for a project, which has been released by the Cabinet or the relevant Cabinet Spokesperson where applicable, up to a total of 10% of the original contract value or £250,000, whichever is the lower, subject to the expenditure being contained within approved resources for the service. The item is to be reported to the Cabinet in the next variations report or capital programme review. Aggregation of all variations and like or associated expenditure is necessary when determining whether the maximum has been exceeded, beyond which an individual and specific approval by the Cabinet Spokesperson concerned is required.

Where the above limits are or will be exceeded any item(s) involved shall be referred to the Cabinet or relevant Cabinet Spokesperson, as appropriate, unless it/they fall within the following categories and have received the prior approval of the Chief Executive or Executive Director and the Client Agent, Employer's Representative or the appropriate Council Representatives and meet any appropriate grant conditions etc:

- (i) Variations which do not in aggregate exceed £50,000 where the contract is less than £250,000 in value and which can be contained within approved resources.
  - (ii) Variations which are 100% grant funded by other than revenue support grant which have received the prior approval of the Service Director, Finance, appropriate conditions have been met, and subject to inclusion of the matter in subsequent monitoring reports to Cabinet or Cabinet Spokesperson, as applicable.
  - (iii) Variations carried out on the written instructions of outside bodies where there is no cost to the Authority (eg for Yorkshire Water).
  - (iv) Contractual claims for loss and expense which require payment and are to be reported to the Cabinet or the Cabinet Spokesperson, as applicable, retrospectively.
  - (v) Variations which are essential to prevent delay to the progress of work on site and will incur additional cost if not carried out immediately but are to be specifically reported to the next Cabinet or the Cabinet Spokesperson, as applicable, and can be contained within approved resources for the service. (Any savings achieved by omission of other works etc. shall not be brought into account when arriving at the appropriate figures where approvals would be required.)
15. The Chief Executive, the Executive Director, Core Services, the Service Director Regeneration and Culture and/or Service Director Environment and Transport, as appropriate, are authorised, in conjunction with the Employer's/Council Representative where applicable, to implement individual schemes within the approved capital and Revenue Programmes in respect of new buildings, additions, improvements, alterations and building maintenance repairs, in compliance with the Council's Financial Regulations and Contract Procedure Rules.
16. The Service Director Regeneration and Culture is authorised in conjunction as appropriate with the Chief Executive, the Executive Director, Core Services and the relevant Executive Directors, and in consultation with the Service Director Environment and Transport and / or the Head of Highways and, Engineering, to arrange the immediate carrying out of such urgent maintenance or repairs to buildings or their demolition as he/she may consider necessary to eradicate an immediate hazard or danger, or to prevent rapid and progressive deterioration, or to maintain essential services, including damage caused by fire, subsidence, tempest, storm, flood or terrorist activity, where the expenditure involved is not:-
- (i) within the powers delegated to other officers; or
  - (ii) in compliance with the appropriate Financial Regulations (subject to report to the next meeting of the Cabinet).
17. The Service Director Environment and Transport and Head of Highways and Engineering are authorised to carry out works for the immediate removal or repair

of structures on or adjacent to the highway which are, in his opinion, dangerous, where the expenditure involved is not:-

- (i) within the powers delegated to other officers; or
- (ii) in compliance with the appropriate Financial Regulations (subject to report to the next meeting of the Cabinet).

18. The Service Director Regeneration and Culture is authorised, in consultation with the Chief Executive, the Executive Director, Core Services and the appropriate Executive Director respectively to provide financial control of building construction and maintenance works within approved sums and to ensure value for money is achieved on the same.
19. The Chief Executive and Executive Directors, as appropriate, in consultation with the Executive Director, Core Services, are authorised to terminate contracts which do not provide a specific procedure for doing so, where in the opinion of the Chief Executive and/or Executive Director, it is in the interests of the Council so to do, and subject to a report to the next available meeting of the Cabinet or appropriate meeting.
20. The powers given in the following delegations to the Chief Executive or Executive Directors to waive charges or write off debts is limited, except where otherwise expressly provided for in the following delegations, to sums under £500 (all charges or debts of one individual or entity (e.g. company, partnership etc.) to be aggregated).
21. The aggregate value of all charges and debts likely to be written off for one individual or party shall be used to determine whether £500 has been exceeded except where the Cabinet decides otherwise for a particular class of charge or debt on the recommendation of the Service Director, Finance.

## **C. Provisions for the Exercise of Specific Executive Responsibilities by Officers**

### **1. Chief Executive**

- (a) Where necessary, as a matter of urgency, to express the views of the Council with regard to local government and the functions associated therewith within the general policy laid down from time to time by the Council and to act thereon.
- (b) To take all such action as they consider appropriate in any emergency (as defined by the Chief Executive) in consultation with such Members and officers as they consider the circumstances will allow, subject to report to Members on action taken.
- (c) To represent the views of the Council in responding to consultations with the Council by any outside body.
- (d) To exercise the functions of the Council under section 13 of the Public Order Act 1986 (the prohibition of public processions).
- (e) In consultation with the Executive Director, Core Services, to accept gifts or donations to the Council with an estimated value of up to £250,000.



- (f) To act as the Council's duly authorised officer for matters which require "Member Approval" under the Renaissance South Yorkshire Agreement to Participation, subject to arrangements being made for Cabinet to be consulted as necessary on such matters.

## **CORE SERVICES DIRECTORATES**

### **2. Executive Director, Core Services**

- (a) To institute proceedings for the recovery of possession of properties in mortgage to the Council within the terms of Council policy from time to time.
- (b) To determine applications for mortgage advances under the terms of the Council's approved scheme in force from time to time.
- (c) To administer the Council's "Whistleblowing" policy and associated procedures in conjunction with the Head of Internal Audit.
- (d) To undertake agency and consultancy work for various outside bodies.
- (e) To approve changes to the programme of civil delegations/exchanges, where the exigency of the situation so requires or in consultation with such Members as are available and within the overall twinning budget.
- (f) To apply to the Magistrates' Court for the permanent closure of highways under Section 116 of the Highways Act 1980, in consultation with the Head of Highways and Engineering and relevant local members.
- (g) In conjunction with the Chief Executive and / or appropriate Executive Director, to make special payments in settlement of any action or claim against the Council where it is required by statute, made under a Court Order or on the advice of the Chief Executive or Executive Director. Any such item will be subject to report to the Cabinet where deemed appropriate by the Chief Executive or appropriate Executive Director.

### **3. Service Director, Finance**

- (a) To administer the financial affairs of the Council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit Regulations 2006 and any amendments thereto in accordance with general provision 7 of these Terms of Reference and Delegations.
- (b) To manage, administer, monitor and report on day-to-day borrowing, investment or financing, in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities and to review and report on the Treasury Policy Statement.
- (c) To provide financial advice and services on all matters relating to:-
  - (i) the financial affairs of joint ventures, partnerships, companies and other arrangements in which the Council has an interest;

- (ii) delegations of a financial nature to other bodies, eg School Governors
- (d) To administer, review and recommend amendments to the Financial Regulations, and to prepare, review, amend and approve the Code of Practice to be followed by officers when applying the Financial Regulations of the Council in force from time to time.
- (e) To collect such non-domestic rates, Council Tax or any like tax from those persons liable and to take such steps in relation to non-domestic rates and Council Tax as the Billing Authority are authorised or required to take and in particular, but without prejudice to the generality of the foregoing:-
  - (i) to institute, carry on or defend proceedings in relation to the collection or recovery of non-domestic rates, Council Tax and other charges, including the presentation of related matters to the Magistrates' Court;
  - (ii) to authorise the institution or defence of any proceedings or the taking of any steps in relation to the valuation list or rating list which the Council are authorised or required to institute, carry on, defend or take;
  - (iii) the imposition of penalties as provided for under the provisions of the Local Government Finance Acts 1988 and 1992;
  - (iv) to take any necessary steps in representing the Billing Authority at Valuation Tribunals.
  - (v) in respect of non-domestic rates, Council Tax and other charges to take any necessary, including the appointment of external agents to act on the Council's behalf, to protect the interests of the Council in connection with bailiffs action and proceedings for charging orders, bankruptcies, receiverships and liquidations;
  - (vi) to exercise the discretionary powers contained in the Local Government Act 1988, as amended by the Local Government and Housing Act 1989 in relation to relief against the non-domestic rate charge on partially occupied properties;
  - (vii) to exercise, as it decides, the discretionary powers contained in the Local Government Act 2003 in connection with charges and discounts for Council Tax.
  - (viii) the granting of mandatory and discretionary rate relief in accordance with the Local Government Finance Act 1988 as amended and associated legislation.
  - (ix) the granting of hardship relief in accordance with the Local Government Finance Act 1988 as amended.
  - (x) To administer and annually review the Rural Rate Relief Register.
- (f) to exercise the mandatory and discretionary powers of the Council under the Housing Benefit Regulations 2006, the Social Security Contributions Act 1992, the

Social Security Administration Act 1992 and the Social Security Administration (Fraud) Act 1997 and associated legislation, including authority to write-off of debts:

(i) in the case of discretionary write-offs:

- Service Director Finance – amounts up to £100,000
- Executive Director, Core Services – amounts in excess of £100,000;

(ii) unlimited in the case of mandatory write-offs

(g) In consultation with the Cabinet to fix rents for the purposes of the rent rebate scheme in cases where the circumstances justify special consideration without reference to the scales set out in the scheme.

(h) To consider and determine all applications for rate relief in their entirety in accordance with the guidelines and policy and procedures adopted by the Council from time to time.

(i) To undertake property inspections, investigations, surveillance, interviews, determination of benefits and assessments, seizures, detentions, recording and legal proceedings under the legislation applicable thereto set out below, and to exercise all other relevant powers, including powers of entry provided under the following legislation:

- Accessories and Abettors Act 1861, Section 8
- Criminal Attempts Act 1981, Section 1
- Criminal Justice and Public Order Act 1994, Sections 34 and 35
- Criminal Law Act 1977, Sections 1 and 2
- Criminal Justice Act 1968, Section 9
- Criminal Justice Act 1987, Section 12
- Criminal Justice Act 2003, Section 117
- Criminal Procedures & Investigations Act 1996 (CPIA)
- Forgery and Counterfeiting Act 1981, Sections 1 to 5
- Fraud Act 2006
- Magistrates Court Act 1980, Section 44(1)
- Police & Criminal Evidence Act 1984 (PACE), Codes C and E and Sections 8, 16, 17, 18, 60, 66, 67, 76 and 78
- Prevention of Social Housing Fraud Act 2013
- Proceeds of Crime Act 2002
- Regulation of Investigatory Powers Act 2000
- Theft Act 1968, Sections 1, 15(1), 17, 20 and 22(1)
- Theft Act 1978, Section 2
- Theft (Amendment) Act 1996, Sections 15a and 24a

(j) To offer sanctions under the Council's Anti-Fraud Policy and Sanctions Policy, including prosecution, an administrative penalty or formal caution.

(k) Through the Corporate Anti-Fraud Team and in consultation with the Service Director, Environment and Transport, to investigate and undertake sanctions and / or prosecutions in respect of blue badge misuse under the provisions of the Chronically Sick and Disabled Person's Act 1970, the Disabled Persons' Parking

Badges Act 2013 and the Road Traffic Regulation Act 1984.

- (l) To award Discretionary Housing Payments under regulations based on the powers in sections 69 and 70 of the Child Support, Pension & Social Security Act 2000.
- (m) To recover overpaid Housing and Council Tax Benefit using all methods available.
- (n) To operate a staged appeals service for the reconsideration of Housing and Council Tax Benefit decisions.
- (o) To administer, collect, recover or issue all monies due to or from the Council or approve arrangements for the same and the setting of interest rates for mortgage advances for house purchases, improvements and conversions.
- (p) To issue bonds under the relevant Local Government legislation in force from time to time.
- (q) Risk management, the provision of adequate insurance cover, and the negotiation and settlement of insurance claims, together with associated administration, and the settlement of personal injury, Road Traffic Act and housing disrepair claims up to £100,000, and associated administration.
- (r) In consultation with the Chief Executive, Executive Directors and Directors, the making of loans for vehicle purchase and the arranging of leasing or contract hire as appropriate within the terms of the Council's scheme in force from time to time.
- (s) Arrangements for the operation of section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Lost and Uncollected Property).
- (t) To supervise and administer the Council's banking arrangements.
- (u) To opt to tax land and property transactions not affected by policy considerations.
- (v) Responsibility for the Council's Procurement Strategy and Advice
- (w) To allow exceptions to Financial Regulations where in the Director's opinion it is in the Council's interests, with any exceptions to be recorded with justifications and significant deviations to be reported to the next available Cabinet meeting.
- (x) To authorise the writing off of individual debts under £25,000 in each case.
- (y) The approval of allowances awarded under the provisions of the injury allowance scheme.
- (z) The approval of requests to carry forward underspendings or increased trading surpluses on any activity heads taking into account the Council's overall financial position and subject to any additional restrictions imposed by Financial Regulations.
- (aa) The approval of overspendings by a Directorate of its budget, the overspend to be carried forward and deducted from the following year's cash allocation for that Directorate providing this would not create an overspend in the following year, unless the Senior Management Team recommends to Cabinet that it be dealt with

corporately and subject to any additional restrictions imposed by Financial Regulations.

- (ab) To accept the terms and conditions of any claims for grant funding due to the Council and to complete and sign any documentation, including the necessary powers to enter into binding financial agreements with the funding bodies concerned, required as a result.
- (ac) To determine the suitability of community and voluntary sector organisations undertaking regeneration projects for advance funding.

#### **4. Service Director, Business Improvement, Human Resources and Communications**

- (a) In consultation with the Chief Executive or appropriate Executive Director, or Service Director, to issue all press releases and similar information on behalf of the Council, to deal with media enquiries, and to implement the Council's Public Relations Strategy in force from time to time
- (b) In consultation with the Chief Executive to determine all matters relating to the corporate identity of the Council.
- (c) To operate the procedure for dealing with complaints, compliments and representations, including in relation to the personal social services for adults, children and young people.
- (d) To commission, on the advice of the Executive Director of Public Health & Communities, the non-mandated public health responsibilities in relation to local workplace health initiatives.

#### **5. Service Director, Business Improvement, Human Resources and Communications, in consultation with the Service Director, Finance**

- (a) To determine the maximum vehicle loan figure in accordance with Council policy relating to the Assisted Vehicle Purchase Scheme.
- (b) To determine matters relating to post-entry training and related financial assistance.
- (c) To authorise Trade Union representative training in accordance with Council Policy.

#### **6. Service Director, Business Improvement, Human Resources and Communications in consultation with the Chief Executive, Executive Director, or Service Director for the service concerned**

- (a) To consider proposals and authorise payments to staff in accordance with the Council's Staff Suggestion Scheme.

#### **7. Head of Corporate Health, Safety and Emergency Resilience**

- (a) To monitor the activities of consultants, suppliers and contractors and where statutorily empowered, by the issue of appropriate notices, to ensure observance of and improvement to safety procedures or to prohibit further work by a consultant, supplier or contractor until action is taken by it to remedy safety deficiencies.

## **PLACE HEALTH AND ADULTS DIRECTORATE**

### **8. Executive Director Place Health and Adults**

- (a) To exercise the functions of the Council in respect of the provision of personal social care for adults and wider adults' services arrangements under the following legislation:-
- Apprenticeship, Skills, Children and Learning Act 2009
  - Asylum and Immigration (Treatment Of Claimants Act) 2004
  - Care Act 2014
  - Care and Treatment under the Mental Health Act 1983
  - Care Standards Act 2000
  - Carers (Equal Opportunities) Act 2004
  - Carers (Recognition & Services) Act 1995
  - Community Care (Delayed Discharges etc.) Act 2003
  - Community Care (Residential Accommodation) Act 1998
  - Counter Terrorism and Security Act 2015
  - Chronically Sick and Disabled Persons Act 1970
  - Crime and Disorder Act 1998
  - Criminal Justice & Court Services Act 2000
  - Domestic Violence, Crime and Victims Act 2004
  - Drugs Act 2005
  - Health and Social Care Act 2001
  - Homelessness Reduction Act 2018
  - Housing Act 1996
  - Immigration Act 1971.
  - Immigration Act 1988,
  - Immigration and Asylum Act 1999
  - Mental Capacity Act 2005
  - Mental Health Act 1959
  - Mental Health Act 1983
  - Mental Health Act 2007
  - National Assistance Act 1948
  - National Health Service & Community Care Act 1990
  - National Health Service Act 1977 except section 87(3)
  - National Health Services Act 2006
  - National Health Service (Primary Care) Act 1997
  - Nationality, Immigration and Asylum Act 2002
  - NHS Reform and Health Care Professions Act 2002
  - Sexual Offences Act 2003
- (b) To exercise the functions of the Director of Adults Social Services in accordance with Section 6(A1) of the Local Authority Social Services Act 1970, as amended by the Children's Act 2004.
- (c) In conjunction with the Executive Director, Core Services, to exercise the following functions involving applications to a court or other tribunal and other matters of a legal nature insofar as they relate to adults' services:-

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- Care planning placement and case review regulations 2010
- National Assistance Act 1948 sections 47 and 56(3)
- Mental Health Act 1958 section 131
- Mental Health Act 1986 sections 29 and 30, Parts V and VII and section 130
- Health and Social Services and Social Security Adjudications Act 1986 section 22
- Mental Capacity Act 2005
- Care Act 2014

and any other function of the Council which involves an application to a court or other tribunal (including the prosecution of offences) or which requires the execution of any document having effect in law.

- (d) To carry out the investigative and assessment duties of the Council under Part III of the Housing Act 1985 (Housing and Homelessness).
- (e) To authorise or nominate Inspectors or Officers to perform duties required by all legislation relating to matters within the purview of the Directorate subject to budgetary and policy approval being obtained.
- (f) To exercise the functions of the Council in responding, in consultation with the Barnsley Community Safety Partnership, to requests for reviews of action to deal with complaints of anti-social behaviour (“The Community Trigger”) under Part 6 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (g) To exercise the Council’s functions in the provision of improvements and adaptations to a disabled persons’ home under the Chronically Sick and Disabled Persons Act 1970 (in respect to children) and Care Act 2014 (in respect of adults) to a limit of £100,000 in respect of each application.

## **9. Service Director Communities**

- (a) To exercise the powers of the Council to undertake necessary enforcement action within the remit of the Neighbourhood Safety Unit, the Safer Neighbourhood Teams, the Barnsley Safer Communities Partnership.
- (b) In consultation with the Executive Director and Executive Director, Core Services to institute legal proceedings in respect of those matters for which the Service Director Communities has operational responsibility.
- (c) To fulfil the statutory role of anti-social behaviour coordinator for the council and to oversee, authorise and pursue appropriate actions under the terms of the statutory framework designed to regulate such behaviour.
- (d) To undertake property inspections, investigations, surveillance, interviews, determination of prohibitions, assessments, seizures, detentions, recording, service of statutory notices, evictions, authorisations, and legal proceedings under the legislation applicable thereto set out below, and to exercise all other relevant powers, including powers of entry provided under such legislation:
  - Crime and Disorder Act 1998
  - Anti-Social Behaviour Act 2003 (except those parts delegated to the Executive

Director Children's Services and the Service Director Regeneration and Culture, where not superseded by the Anti-Social Behaviour, Crime and Policing Act 2014)

- Anti-Social Behaviour, Crime and Policing Act 2014
- Building Act 1984, Sections 59, 76, 77, 78 and 79
- Police Reform Act 2002
- Local Government Act 1972
- Misuse Of Drugs Act 1971
- Vagrancy Act 1824
- Public Order Act 1986
- Criminal Justice and Police Act 2001
- Protection From Harassment Act 1997
- Clean Neighbourhoods and Environment Act 2005
- Environmental Protection Act 1990
- Control of Pollution (Amendment) Act 1989
- Housing Act 1985
- Housing Act 1996
- Housing Act 2004
- Housing & Planning Act 2016
- Regulation Of Investigatory Powers Act 2000
- Mental Capacity Act 2005
- Mental Health Act 1983 and 2007
- Children Act 2000
- Domestic Violence Crime and Victims Act 2004
- Drugs Act 2005
- Offender Management Act 2007
- Fireworks Act 2003
- Police and Criminal Evidence Act 1984
- Equality Act 2010 (including s149 public sector equality duty)
- Police and Justice Act 2006
- Civil Procedures Rules 1998 (as amended)
- Noise Act 1996
- Road Traffic Act 1991
- Traffic Management Act 2004 (in relation to car parking enforcement)
- Chronically Sick and Disabled Person's Act 1970
- Road Traffic Regulations Act 1984 as amended by the Town & Country Planning Act 1990 Parts VII & VIII and Section 91 of the Traffic Management Act 2004
- Town & Country Planning Act 1990, Section 215 (subject to appropriate consultation with the Head of Planning & Building Control)
- Road Traffic Offenders Act 1988
- Public Health Acts 1936 and 1961
- Prevention of Damage by Pests Act 1949
- Protection from Eviction Act 1977
- South Yorkshire Act 1980, Section 29
- Local Government (Miscellaneous Provisions) Act 1976, Section 16
- Local Government (Miscellaneous Provisions) Act 1982, Section 29
- Tenant Fees Act 2019
- Law of Property Act 1925
- Compulsory Purchase Act 1965



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- Acquisition of Land Act 1981
- Energy Performance of Buildings (England & Wales) Act 2012
- Energy Efficiency (Private Rented Property) (England & Wales) Regulations 2015
- Homes (fitness for human habitation) Act 2018
- Police, Crime, Sentencing & Courts Act 2022
- Criminal Justice & Public Order Act 1994
- Landlord & Tenant Act 1985
- Domestic Violence Act 2018
- Environment Act 2021
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Gas safety (Installation and Use) (Amendment) Regulations 2018
- The Deregulation Act 2018

and any other legislative powers bestowed upon the council to assist with the management and assessment of, enforcement against and regulation of crime, disorder and anti-social behaviour.

- (e) In consultation with the Executive Director and Executive Director, Core Services to institute legal proceedings in respect of those matters for which the Service Director Communities has operational responsibility.
- (f) To exercise the Council's statutory duty under the Child Poverty Act 2010
- (g) To approve applications for funding from the Ward Alliance Fund, after consultation with the relevant local Members or Ward Alliance, as appropriate, subject to the submission of a quarterly monitoring report on the use of the Budget and Fund.
- (h) To provide support for the Borough-Wide Community / Area Planning Process
- (i) To approve the appointment of Ward Alliance members, following consultation with the Elected Members for the Ward concerned
- (j) To approve the award of grants from thematic grant schemes determined by Area Councils from time to time.
- (k) To approve the content of the extensions to the Contract with the Home Office to provide accommodation in the community for asylum seekers under the auspices of the Executive Committee of the Regional Asylum Consortium for Yorkshire and Humber
- (l) To let and maintain allotments and exercise the Council powers under the Allotment Acts 1908 to 1950

## **10. Head of Community Safety and Enforcement**

- (a) To exercise the functions of the Council in investigating the need for Criminal Behaviour Orders under Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014, including on behalf of South Yorkshire Police, and making applications for such Orders through the Crown Prosecution Service, in consultation with the Executive Director, Core Services.

- (b) To exercise the functions of the Council in issuing Community Protection Notices, following a warning to alleged perpetrators, under Part 4, Chapter 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (c) To exercise the functions of the Council in issuing Closure Notices and to make application to the Magistrates' Court for a Closure Order under Part 4, Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.

**11. Service Director Communities in consultation with Service Director Children's Social Care and Safeguarding**

- (a) To ensure the provision of reasonable advice and assistance from the housing authority concerning homeless persons with dependent children, who are ineligible for homelessness assistance or are intentionally homeless, if the homeless person consents, under powers in the Homelessness Act 2002.

**12. Service Director Communities**

- (a) To commission, on the advice of the Executive Director of Public Health & Communities, non-mandated public health responsibilities in respect of increasing levels of physical activity in the local population.

**CHILDREN'S SERVICES DIRECTORATE**

**13. Executive Director Children's Services**

- (a) To exercise the functions of the Council in respect of the provision of personal social care for children and young people, education and schools and wider children's services arrangements under the following legislation:-
  - Academies Act 2010
  - Activity Centres (Young Persons' Safety) Act 1995 & Adventure Activities Licensing Regulations 2004 (relates to some youth service provision)
  - Adoption & Children Act 2002
  - Adoption Act 1976
  - Adoption (inter country aspects) Act 1999
  - Anti-Social Behaviour Act 2003 Part 3 (Parental Responsibilities)
  - Apprenticeship, Skills, Children and Learning Act 2009
  - Asylum and Immigration (Treatment Of Claimants Act) 2004
  - Care Act 2014
  - Care and Treatment under the Mental Health Act 1983
  - Care Standards Act 2000
  - Carers & Disabled Children Act 2000
  - Carers (Equal Opportunities) Act 2004
  - Carers (Recognition & Services) Act 1995
  - Children (Leaving Care) Act 2000
  - Children and Young Person's Act 1963
  - Children Act 1989
  - Children Act 2004
  - Child Care Act 2006

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- Children and Adoption Act 2006
- Children Schools and Families Act 2010
- Community Care (Delayed Discharges etc.) Act 2003
- Community Care (Residential Accommodation) Act 1998
- Convention On The Rights Of The Child
- Chronically Sick and Disabled Persons Act 1970, in respect of children only
- The Rights Of The Child By The U.K. 1999
- Crime and Disorder Act 1998
- Criminal Justice & Court Services Act 2000
- Domestic Violence, Crime and Victims Act 2004
- Drugs Act 2005
- Education Act 1996
- Education Act 2002
- Education Act 2005
- Education and Inspections Act 2006
- Family Law Act 1996
- Health and Social Care Act 2001
- Homelessness Act 2002
- Housing Act 1996
- Immigration Act 1971.
- Immigration Act 1988,
- Immigration and Asylum Act 1999
- Learning and Skills Act 2000
- Mental Capacity Act 2005
- Mental Health Act 1959
- Mental Health Act 1983
- Mental Health Act 2007
- National Assistance Act 1948
- National Health Service & Community Care Act 1990
- National Health Service Act 1977 except section 87(3)
- National Health Services Act 2006
- National Health Service (Primary Care) Act 1997
- Nationality, Immigration and Asylum Act 2002
- NHS Reform and Health Care Professions Act 2002
- Protection of Children Act 1999
- School Standards and Framework Act 1998
- Sexual Offences Act 2003
- Special Educational Needs and Disability Act 2001
- Work & Families Act 2006
- Youth Justice and Criminal Evidence Act 1999

(b) To exercise the functions of the Director Children's Services in accordance with Section 18 of the Children's Act 2004.

(c) In conjunction with the Executive Director, Core Services, to exercise the following functions involving applications to a court or other tribunal and other matters of a legal nature insofar as they relate to children and young people:-

- Children and Young Persons Act 1963 section 56
- Children and Young Persons Act 1969 sections 15 and 16

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- Children Act 1989 sections 25, 31, 34(2) (4) and (9), 39, 43 to 45, 48(9), 50, 70, 75, 78, 94, 100, 102, Schedules 2 para. 19, 3 para. 6(3)
- Care planning placement and case review regulations 2010
- National Assistance Act 1948 sections 47 and 56(3)
- Mental Health Act 1958 section 131
- Mental Health Act 1986 sections 29 and 30, Parts V and VII and section 130
- Health and Social Services and Social Security Adjudications Act 1986 section 22
- Mental Capacity Act 2005
- Care Act 2014

and any other function of the Council which involves an application to a court or other tribunal (including the prosecution of offences) or which requires the execution of any document having effect in law

- (d) In consultation with the Executive Director, Core Services, to bid for and provide works and services for various outside bodies.
- (e) To secure effective arrangements for school improvement in the Borough, challenging school performance and standards and have high aspirations.
- (f) To issue warning notices to challenge schools not co-operating and promote sustainable school improvement models.
- (g) To fulfil the authority's responsibilities for the commissioning and provision of 14-19 years learning, and up to the age of 25 for learners with learning difficulties (including via the Apprenticeship, Skills, Children and Learning Act 2009).
- (h) To respond on behalf of the Children's Trust, to issues raised in the Local Safeguarding Children's Board's Annual Report, as part of their leadership role.
- (i) In collaboration with the Children's Services Cabinet Spokesperson, to act as the corporate parent for looked after children and help them lead a happy, healthy life and receive a good education.
- (j) To ensure other agencies sharing corporate parenting responsibilities are engaged through the Children's Trust and help support looked after children in getting the help they need from mainstream and targeted services.
- (k) To exercise emergency powers under Sections 38, 44, 46 and 47 of the Children Act 1989 and other associate legislation relating to children and young people at risk of harm and the instigation of care orders and emergency action.
- (l) To establish a Local Safeguarding Children's Boards comprising of Trust Board Partners, together with representatives of the Children and Family Court Advisory and Support Service and the governor(s) of any secure remand centre or other facility which detains children.
- (m) In accordance with the Children's Act 1989, as amended, to ascertain the wishes and feelings of children and young people when making decisions concerning services for a child in need (Section 17) and providing accommodation for children (Section 20).

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- (n) In accordance with Section 47 of the Children's Act 1989, as amended, to ensure the wishes and feelings of affected children and young people are ascertained, when investigating the circumstances of individuals at risk of harm.
- (o) To ensure that Statements of Special Educational Need are made in accordance with the Education Acts and securing provision for pupils with special educational needs.
- (p) To ensure licences for the prohibition and restriction of the employment of children, including public performance, are issued, together with powers of entry to inspect the place of employment, pursuant to the Education Acts 1994 - 1981, the Children and Young Persons Acts 1993 - 1969, the Children Act 1989 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.
- (q) To ensure that arrangements are in place for private fostering.
- (r) To administer all charges levied in respect of services for the Children's Services Directorate, including personal social services, including power to waive charges in appropriate circumstances.
- (s) To make Statements of Special Educational Need in accordance with the Education Acts and securing provision for pupils with special educational needs.
- (t) To make arrangements for admissions to school in accordance with the policy determined by the Council including agreeing admissions to schools where the standard admission number has been reduced for urgent cases, subject to a right of appeal in cases of dispute to the Independent School Admissions Appeals Panel.
- (u) To appoint or remove independent members to serve on School Admission Appeals panels in accordance with the School Standards & Framework Act 1998 and Education Act 2002.
- (v) To issue directions to Community and voluntary schools with regard to health and safety.
- (w) To constitute and maintain a Standing Advisory Council on Religious Education.
- (x) To ensure that the appraisal of teachers and head teachers is carried out according to the Secretary of State's directions and regulations.
- (y) To monitor and evaluate the provision and performance of schools.
- (z) To make arrangements necessary for the setting up of temporary Governing Bodies.
- (aa) To make arrangements for appeals by parents in cases of permanent exclusions.
- (ab) To determine questions as to who are to be considered parents of registered pupils.
- (ac) To redirect excluded pupils back to school and to arrange appeals by Governors or parents in cases of permanent exclusions.
- (ad) To make provision for pupils unable to attend school by making arrangements for

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education otherwise than at school.

- (ae) To ensure the attendance of pupils at school and to take appropriate legal action in respect of non-attendance.
- (af) To issue and collect fixed penalty fines for unauthorised absence from school, in accordance with Part 3 of the Anti-Social Behaviour Act 2003 and agreed local Code of Conduct.
- (ag) To ensure the provision free lunches for eligible pupils, paid-for meals where requested and good facilities and supervision so pupils can eat safely and ensure that school meals meet nutritional standards, in consultation with the Service Director Customer Services.
- (ah) To ensure that effective arrangements, taking into account all related legislation, regulations and guidance are in place to secure arrangements for educational visits.
- (ai) To bid for contracts from the Office of Standards in Education (Ofsted).
- (aj) To appoint Local Education Authority representative Governors and appoint an interim executive board where necessary.
- (ak) To intervene in schools where there has been a breakdown of pupil discipline.
- (al) To make provision for governor training.
- (am) To ensure sufficiency of school places in accordance with legislation.
- (an) To ensure a sufficiency of child care places and facilities including Sure Start Children's Centres.
- (ao) To progress and conclude contracting with neighbourhood nursery providers in respect of the Neighbourhood Nursery Initiative.
- (ap) To manage the Children's Services pooled budget under the auspices of the Children and Young People's Trust and to Chair the Trust Executive Group
- (aq) To authorise or nominate Inspectors or Officers to perform duties required by all legislation relating to matters within the purview of the Directorate subject to budgetary and policy approval being obtained.
- (ar) To operate sanctions with regard to delegation under the Barnsley Scheme for the Local Management of Schools.

#### **14. Service Director Children's Social Care and Safeguarding**

- (a) To carry out the duties and responsibilities as the authority's senior officer responsible for Section 47 Children Act 2004.
- (b) To carry out the duties and responsibilities of the authority's Adoption and Fostering decision makers.

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- (c) To ensure the provision of financial assistance under sections 17 and 24 of the Children Act 1989 in respect of each application for financial assistance.
- (d) To undertake independent reviews of care plans for looked after children.
- (e) To approve staff or approval of adopters or foster carers with convictions on the list of offences covered by Home office Circular 16/2005.
- (f) To approve reports of visits made under Regulation 33 of the Children's Homes Regulations 2001.
- (g) To ensure that a 'responsible individual' is appointed to liaise with Ofsted in relation to the local authority's status as a registered provider of residential care for children.

## **GROWTH AND SUSTAINABILITY DIRECTORATE**

### **15. Executive Director Growth and Sustainability**

- (a) To authorise or nominate Inspectors or Officers to perform duties required by all legislation relating to matters within the purview of the Directorate subject to budgetary and policy approval being obtained.
- (b) To sign off contracts for the externally-funded Social Enterprise programme on behalf of the Council.
- (c) In consultation with the Executive Director, Core Services, to bid for and provide works and services for various outside bodies.
- (d) To lead on matters relating to the Broadband Delivery UK superfast broadband scheme on behalf of the four South Yorkshire Councils and within Barnsley MBC.
- (e) To represent Barnsley MBC interests on relevant bodies and meetings of the South Yorkshire Mayoral Combined Authority.

### **16. Executive Director Growth and Sustainability, Service Director Finance and Group Leader - Assets**

- (a) To approve the disposal of sites for affordable housing developments at less than £5,000 per plot, in variation to the Council's policy but subject to not exceeding a total sum of £50,000, if this is necessary to secure development. Disposals where the sum is in excess of £50,000 will be subject to approval by the Regeneration and Culture Cabinet Spokesperson.

### **17. Service Director Regeneration and Culture**

- (a) In respect of the Construction (Design and Management) Regulations 2015:-
  - (i) to act as Agent for in-house clients in fulfilling duties of clients under the Regulations in undertaking building construction projects (including planned maintenance where applicable); and

- (ii) to carry out the duties of the Principal Designer under the Regulations in respect building construction projects (including planned maintenance where applicable).
- (b) To implement and manage the Council's Land Reclamation Programme, in consultation as appropriate with the Service Director Environment and Transport.
- (c) To progress, insofar as the Council is concerned, projects and programmes supported by the Inclusive Economy Board.
- (d) To levy charges for Street Naming and Property Numbering and to vary the charges from time to time to recover costs incurred, subject to consultation with the Service Director, Finance.
- (e) To monitor and revise the scheme of Building Regulation charges made under the Building (Local Authority Charges) Regulations 2010, to ensure cost recovery.
- (f) To lead the implementation of the Jobs & Business Plan and the More & Better Jobs Strategy.
- (g) To make all necessary funding bids for economic regeneration projects, including schemes to redevelop Barnsley Town Centre, and Inward Investment, and for Training and Works and Skills Initiatives.
- (h) To prepare the Local Plan and supplementary planning guidance, subject to the restrictions imposed by article 4 of the Local Authority (Functions and Responsibility) Regulations 2000 and 2001.
- (i) To make recommendations on the designation of conservation areas, areas of archaeological interest and nature reserves.
- (j) To make recommendations regarding the making compulsory purchase orders required for site assembly purposes.
- (k) In consultation with the appropriate Cabinet Members the approval of tender lists drawn up from the approved standing lists of contractors and the acceptance of the lowest tender received.
- (l) In consultation, where required, with the appropriate Cabinet Members, to approve tender lists drawn up from the approved standing list of contractors and the acceptance of the lowest suitable tenders received for reclamation and Operational works and associated projects.
- (m) To administer the Penistone Conservation Area Partnership Scheme and to determine the award of grants under the scheme, including under the shop front improvement scheme.
- (n) In consultation with the Executive Director, Core Services to sell goods and services produced and/or delivered by the service.
- (o) To hire out facilities controlled by the Growth and Sustainability Directorate within the policies of the Council and charge market rates in line with budget provision, subject to the consistent application of the Council's letting policies



or other property-related matters.

- (p) To exercise the functions of the local authority under the Apprenticeship, Skills, Children and Learning Act 2009 in relation to apprenticeships and adult learning.
- (q) To exercise the functions of the local authority under the Disabled Persons (Employment) Act 1958 in relation to sheltered employment.
- (r) To market, develop and promote all Town Centres and markets.
- (s) To approve assignments of market tenancies and licences, alterations to trade user clauses and physical alterations to market stalls, shops and warehouses.
- (t) To take appropriate action, in consultation with the Executive Director, Core Services, to defend market rights.
- (u) In conjunction with the Group Leader - Assets to negotiate, operate and review management arrangements and service charges in relation to the element of private sector involvement in the Metropolitan Centre.
- (v) The regulation and control of market tenancies and licences.
- (w) The letting and agreement of licences and tenancies for livestock markets and fairs, in conjunction with the Group Leader - Assets where appropriate.
- (x) The letting of market stalls, shops, warehouses and ancillary accommodation by tenancy agreement and licence, in conjunction with the Group Leader - Assets, where appropriate.
- (y) The management and control of the Metropolitan Centre vehicle parking arrangements.
- (z) To bid for external UK Government and/or European funding from such sources as the single regeneration budget, European Social Fund, and European Regional Development Fund (with the exception of programmes controlled by the Local strategic Partnership).
- (aa) To manage such programmes as exist from time to time to enable the Council to take maximum advantage of external (including European) funding sources (with the exception of programmes controlled by the Local strategic Partnership).
- (ab) To bid for external UK Government and/or European funding from such sources as the single regeneration budget, European Social Fund, and European Regional Development Fund where those programmes controlled by the Local strategic Partnership.
- (ac) To represent the Council's interests on relevant bodies and meetings of the South Yorkshire Mayoral Combined Authority, as appropriate, and exercise the Council's duties and responsibilities relating to their service arising from this.
- (ad) To approve Housing grants within the Council policy to the maximum permitted grant levels, and to determine such incidental and consequential matters as are

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required for the effective management of the Housing Investment Programme.

- (ae) To exercise the Council's powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and the Housing Act 2004.
- (af) To exercise the Council's powers under the Housing Acts 1957 to 1996 and Housing Grants, Construction and Regeneration Act 1996 in relation to housing renovation grants.
- (ag) In conjunction with the Executive Director, Core Services, the administration of applications received under the right to buy legislation.
- (ah) The administration of sponsored housing schemes, including the nomination of qualifying applicants to the developer.
- (ai) To co-ordinate the Council's Housing Strategy and Housing Investment Programme submissions and co-ordination of the Housing capital programme in consultation with all relevant Executive Directors.
- (aj) The management and control of vehicle parking arrangements at Cannon Hall and Worsbrough Country Park.
- (ak) To administer all charges levied in respect of Culture and Tourism Services including the waiving of charges.
- (al) In consultation with the Executive Director, Core Services to sell goods and services produced and/or delivered by the service.
- (am) In conjunction with the Group Leader - Assets, the letting of accommodation under the control of Culture and Tourism Services.
- (an) In conjunction with the Group Leader - Assets, where appropriate, the letting by tender of spaces for ice cream and catering units on land or in premises under the control of Culture and Tourism Services.
- (ao) To exercise the functions of the Council in relation to the tackling of long-term empty properties as provided for by the following legislation:
  - Housing Act 2004 – Empty Dwelling Management Orders and Housing Health & Safety Rating System
  - Building Act 1984 – for ruinous and dilapidated buildings
  - Town & Country Planning Act 1990 – for maintenance and amenity of land
  - Prevention of Damage by Pests Act 1949 – for dealing with rats and mice
  - Environmental Protection Act 1990 (section 215) – for detriment being caused by condition of land and buildings
- (ap) Generally, and without prejudice to any of the foregoing functions, in consultation with the Executive Director, Core Services to instigate enforcement action relating to use of land or buildings, where the steps required by the enforcement action are limited to the cessation of the activity and/or restoration of the land to its former condition.

**18. Service Director Environment and Transport and Service Director Communities**

- (a) To commission, on the advice of the Executive Director of Public Health & Communities, non-mandated public health responsibilities in respect of increasing levels of physical activity in the local population.

**19. Service Director Environment and Transport**

- (b) To exercise the functions of the street lighting authority under section 98 of the Highways Act 1980
- (c) To lay drains and carry out repairs to drains in connection with the drainage of the highway under section 100 of the Highways Act 1980.
- (d) Power to fill roadside ditches under section 101 of the Highways Act 1980.
- (e) To protect highways against hazards of nature under section 102 of the Highways Act 1980.
- (f) To provide posts to indicate depth of flood water under section 103 of the Highways Act 1980.
- (g) Recovery of expenses incurred in repairing damage to footways by excavations under section 133 of the Highways Act 1980.
- (h) To prevent water from private land flowing onto the highway under section 163 of the Highways Act 1980.
- (i) To require the repair of dangerous forecourts abutting highways under section 166 of the Highways Act 1980.
- (j) To deal with objections to applications for Operators Licences for the operation of heavy goods vehicles under the Transport Acts 1968 and 1982, the Road Traffic Act 1974, and the Goods Vehicles Regulations 1984.
- (k) To operate the Council's transport functions, including those in relation to the Transport Act 1982.
- (l) To make legal event orders to modify the definitive map and statement under section 53(3)(a) of the Wildlife and Countryside Act 1981.
- (m) To operate waste responsibilities under the terms of the legislation within the purview of the Directorate from time to time in force shown below:-
- Refuse Disposal (Amenity) Act 1978
  - Environmental Protection Act 1990
  - Town and Country Planning Act 1990
  - Control of Pollution Act 1974
- (n) To take action to tackle waste crime, fly tipping and pest control issues associated with this activity under the following provisions, and to promote the take up of commercial waste services to further reduce this activity:

- Prevention of Damage By Pests Act 1949
  - Public Health (Control of Disease) Act 1984
  - Building Act 1984, Section 59 (Drainage)
- (o) To make arrangements for the collection of domestic and commercial refuse and for its safe disposal.
- (p) To prepare a plan of the Council's arrangements for recycling and to provide appropriate waste containers.
- (q) In accordance with the policy of the Council established from time to time the formation of Waste Disposal Companies and the preparation of waste and recycling plans.
- (r) In consultation with the Executive Director and Executive Director, Core Services, to institute legal proceedings in respect of those matters for which the Service Director Environment and Transport has operational responsibility.
- (s) To classify various types of waste for collection and disposal.
- (t) To activate, manage and co-ordinate the Council's Adverse Weather Incident Management arrangements.
- (u) To operate the Council's cleansing responsibilities under the terms of the Litter Act 1983 and Criminal Damage Act 1971.
- (v) To administer all charges levied in respect of the service, including the waiving of charges.
- (w) To act as agent to the appropriate Government Department for arboriculture works on motorways and trunk roads throughout the Borough and other public open spaces which require ground maintenance.
- (x) To manage public open spaces and provision of children's playgrounds throughout the Borough.
- (y) To institute action in the cleansing of street litter and refuse, including publicity for litter campaigns.
- (z) To provide appropriate litter bins, other than in the Barnsley Town Centre.
- (aa) To take action to control abandoned trolleys, to remove fly posting and graffiti.
- (aa) To maintain the public register for the principal litter authority.
- (ab) To prohibit street parking to facilitate street cleansing.
- (ac) To represent the Council's interests on relevant bodies and meetings of the South Yorkshire Mayoral Combined Authority, as appropriate, and exercise the Council's duties and responsibilities relating to their service arising from this.

- (ad) To approve new schemes of memorialisation, including schemes that involve capital investment in the infrastructure, in Council Cemeteries and the Crematorium, where they are considered to be sympathetic to the location and surroundings and in line with Council policy.
- (ae) To appoint a Registrar of Cremations and ensure the proper management, authorisation and registration of crematoria and cremations, the completion of emissions reports and the appointment of a Medical Referee and Deputy Medical Referee under Section 31 of the Cremation (England and Wales) Regulations 2008.
- (af) To approve burial deeds, including transfers, and ensure the proper management and registration of burial grounds and burials under the Local Authorities Cemeteries Order 1977, the Burial Acts 1853 and 1857, Sections 214 and 215 of the Local Government Act 1972 and Section 49 the South Yorkshire Act 1980.
- (ag) To be responsible for Active Recreation and Sports Development, including the Client Function for Barnsley Premier Leisure.
- (ah) To undertake inspections, investigations, surveillance, interviews, determination of prohibitions, assessments, seizures, detentions, recording, service of statutory notices, authorisations, and legal proceedings under the legislation set out below;
  - Road Traffic Act 1991
  - Traffic Management Act 2004 (in relation to car parking enforcement)
  - Chronically Sick and Disabled Person's Act 1970 (in relation to blue badge enforcement / offences)
  - Road Traffic Regulations Act 1984
  - Road Traffic Offenders Act 1988
  - Disabled Persons' Parking Badges Act 2013

## **20. Head of Highways and Engineering**

- (a) To arrange for the temporary prohibition of traffic on highways under the Road Traffic Regulation Act 1984, as amended.
- (b) After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.
- (c) After consultation with the relevant Local Members and Parish Council, to approve traffic calming measures required to implement previously approved programmes and subject, in all cases, to no objections being received, to implement the measures.
- (d) To approve minor variations to approved Traffic Regulation Order and Road Hump Regulation schemes, subject to the variation being consistent with overall scheme objectives previously approved and subject to Local Members and the relevant Parish Council being consulted on any variations and the outcome of such consultations being documented.

- (e) In the event of objections being received to any of the measures specified in paragraphs (b), (c) and (d) above, to report such objections to the Cabinet for detailed consideration and determination, or to withdraw the Traffic Regulation Order in appropriate cases.
- (f) After consultation with Local Members and the relevant Parish Council, to arrange to make applications to the appropriate bodies for the permanent closure of highways or footpaths required to facilitate developments or site assembly for projects that have previously received Cabinet or Cabinet Spokesperson approval.
- (g) To enter into agreements with the Secretary of State for Transport under section 4 of the Highways Act 1980 in respect of improvements to a highway which enters or crosses a trunk road and for which the Local Authority is the highway agency.
- (h) To enter into agreements with the Secretary of State for Transport under section 6 of the Highways Act 1980 to allow the Highway Authority to exercise the functions of the Secretary of State to maintain or improve a highway which is a trunk road.
- (i) To respond to notices served to repair highways under section 56 of the Highways Act 1980.
- (j) To recover expenses due to extraordinary traffic under section 59 of the Highways Act 1980.
- (k) To serve notices requiring the removal of obstructions to view at corners under section 79 of the Highways Act 1980.
- (l) To grant consent to planting in the highway by Parish Councils under section 96 of the Highways Act 1980.
- (m) To deal with applications for consent to display temporary signs on highway furniture and to arrange for the removal of all such signs displayed unlawfully under section 132 of the Highways Act 1980.
- (n) Recovery of expenses incurred in repairing damage to footways by excavations under section 133 of the Highways Act 1980.
- (o) To serve initial notices and take enforcement action under the following sections of the Highways Act 1980:
  - 134 – ploughing of footpath or bridleway (including notification to Local Members and the Parish Council);
  - 137A – interference with highway by crops
  - 164 – removal of barbed wire
- (p) To take action to remove obstructions from the highway under sections 143, 149, 151, 152 and 153 of the Highways Act 1980, including the serving of notices as appropriate.
- (q) Power to erect flagpoles etc. on highways under section 144 of the Highways Act 1980.
- (r) To serve initial notices and take enforcement action to remove, replace or lop trees and hedges in or adjacent to the highway under section 154 of the Highways Act

1980.

- (s) To restrict the activities of Statutory Undertakers in newly surfaced roads under section 58 of the New Roads and Street Works Act 1991.
- (t) To prevent water from private land flowing onto the highway under section 163 of the Highways Act 1980.
- (u) To serve initial notices and take enforcement action to require the removal of barbed wire fencing adjacent to the highway under section 164 of the Highways Act 1980.
- (v) To require the fencing of dangerous land adjoining the highway under section 165 of the Highways Act 1980.
- (w) To require the repair of dangerous forecourts abutting highways under section 166 of the Highways Act 1980.
- (x) To regulate the construction of retaining walls near highways under section 167 of the Highways Act 1980.
- (y) To regulate the construction of bridges over highways under section 176 of the Highways Act 1980.
- (z) To regulate the construction of buildings over highways under section 177 of the Highways Act 1980.
- (aa) To deal with the enforcement of and applications for the construction of vehicle crossings over footways and verges and to determine charges therefore under section 184 of the Highways Act 1980.
- (ab) To deal with the requirements and prohibitions as to new streets under section 193 and 194 of the Highways Act 1980.
- (ac) To operate the procedure for making up of private streets under the Private Street Works Code contained in Part XI of the Highways Act 1980, where the costs incurred by the Council in exercising the works would be apportioned between premises fronting the street and to implement Private Street Works so approved.
- (ad) To be the proper officer for that purpose to determine provisional apportionments and to approve final apportionments where the final cost does not exceed the provisional apportionment by more than 15% under sections 205, 206, 207, 208, 209, 210, 211 and 212 of the Highways Act 1980.
- (ae) To arrange for the urgent repair of private streets under section 230 of the Highways Act 1980.
- (af) To enter into agreements for contributions towards highway works by persons deriving special benefit from them under section 278 of the Highways Act 1980.
- (ag) To require angles of new buildings at corners of streets to be rounded off under section 286 of the Highways Act 1980.

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- (ah) To erect barriers in streets in cases of emergency etc. under section 287 of the Highways Act 1980.
- (ai) Power of entry of highway authority for the purpose of survey and supplementary provisions under sections 289 and 290 of the Highways Act 1980.
- (aj) Powers of entry of highway authority for purpose of maintaining etc. certain structures and works under section 291 of the Highways Act 1980.
- (ak) Power of entry of premises for highway purposes under section 294 of the Highways Act 1980.
- (al) To dispose of materials under section 295 of the Highways Act 1980.
- (am) To execute certain works on behalf of other persons under section 296 of the Highways Act 1980.
- (an) To require information as to ownership of land under section 297 of the Highways Act 1980.
- (ao) To grant consent to Parish Councils for the placing of seats within the highway under section 5 of the Parish Councils Act 1957.
- (ap) To grant consent to Parish Councils for the erection of bus shelters within the highway under section 4 of the Local Government (Miscellaneous Provisions) Act 1953.
- (aq) To grant consent to the Post Office for the erection of posting boxes within the highway.
- (ar) To take all necessary action under the Reservoirs Act 1975 in connection with enforcement.
- (as) To exercise the Council's functions under Section 23 of the Land Drainage Act 1991 as amended by the Flood and Water Management Act 2010 in respect of ordinary watercourse consents and authorisation of enforcement action.
- (at) To require riparian owners to undertake works to maintain the flow of watercourses under Section 25 of the Land Drainage Act 1991, in cases where this cannot be achieved by negotiation, subject to costs not exceeding an estimated £100,000, the relevant Cabinet Spokesperson to give approval where this amount is exceeded.
- (au) To exercise the Council's functions under Sections 94-117; 158-160; 169; 171; 178-182; 184; 185; 199 and 200 of the Water Industry Act 1991.
- (av) To manage and maintain reservoirs and open areas of water under Local Authority ownership and control.
- (aw) in respect of the Construction (Design and Management) Regulations 2015:-
  - (i) to act as Agent for in-house clients in fulfilling duties of clients under the Regulations in respect of highways and civil engineering projects; and



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- (ii) to carry out the duties of the Principal Designer under the Regulations in respect of highways and civil engineering projects.
- (ax) To approve requests for roadside memorials at fatal accident sites when a request is received from the accident victim's relatives and accords with such guidelines as are currently in place.
- (ay) To authorise operative dates for traffic regulation orders under the Road Traffic Regulation Act 1984, as amended.
- (az) To determine liability refunds etc., and serve notices under the provisions of the Advance Payments Code under sections 219, 220, 221 and 225 of the Highways Act 1980.
- (ba) To authorise Agreements under section 38 of the Highways Act 1980.
- (bb) To accept dedications of highway to be maintainable at public expense pursuant to sections 37 and 72 of the Highways Act 1980.
- (bc) To post Notices under Section 228 of the Highways Act 1980 to seek approval for Adoption of Highways.
- (bd) To issue Certificates of Adoption of Highways under Sections 36, 38 or 228 of the Highways Act 1980.
- (be) To exercise the Council's powers under the Traffic Management Act 2004 in relation to traffic regulation
- (bf) In consultation with the Executive Director, Growth and Sustainability, and Executive Director, Core Services, to institute legal proceedings in respect of those matters for which the Head of Highways and Engineering has operational responsibility.
- (bg) To administer all charges levied in respect of the service, including the waiving of charges.
- (bh) To grant consents to Parish Councils for the placing of litter bins within the highway.
- (bi) To arrange the immediate carrying out of such urgent maintenance or repairs to buildings or their demolition as he/she may consider necessary to eradicate an immediate hazard or danger, or to prevent rapid and progressive deterioration, or to maintain essential services, including damage caused by fire, subsidence, tempest, storm, flood or terrorist activity, in relation to their service or where directed to do so by the officer responsible for another service, subject to a report to Cabinet at the earliest opportunity, where appropriate.
- (bj) To determine applications for the installation of Sustainable Urban Drainage Systems in accordance with Schedule 3 of the Flood & Water Management Act 2010.

## **21. Head of Planning and Building Control**

- (a) To exercise the powers and functions of the Council under Section 77 of the Building Act 1984 in respect of dangerous buildings.

- (b) To undertake the duties of Proper Officer under section 78 of the Building Act 1984 in undertaking emergency measures in respect of dangerous buildings.
- (c) To undertake property inspections, investigations, surveillance, interviews, determination of prohibitions, assessments, seizures, detentions, recording, service of statutory notices, evictions, authorisations, and legal proceedings under the legislation applicable thereto set out below, and to exercise all other relevant powers, including powers of entry provided under such legislation:
  - Building Act 1984, other than those parts delegated to Planning Regulatory Board
  - Town and Country Planning Act 1990 (Section 215)
- (d) In consultation with the Regeneration and Culture Cabinet Spokesperson, to make and confirm Article 4 Directions in respect of the removal of permitted development rights, in accordance with the Town and Country Planning (General Permitted Development) Order 2015.
- (e) In respect of the Neighbourhood Planning provisions of the Localism Act 2011, to determine technical and other minor matters, such as the appointment of the Independent Examiner, the decision to hold a referendum and the area the referendum should cover, with more significant matters only to be determined following consultation with the Regeneration and Culture Cabinet Spokesperson, who may decide to refer the matter to Cabinet for determination in the following cases:
  - To designate, modify or amend a neighbourhood area
  - To designate a neighbourhood forum
  - To decline consideration of an application for a neighbourhood development plan
  - To submit a plan to independent examination
  - To agree the content of comments and to make comments on a plan that has been submitted for examination.
  - To adopt the recommendations of the independent examiner
  - To make the plan.
  - To make any other decision to revoke or modify the plan
  - To modify a neighbourhood area within a parish council's area

## **22. Group Leader - Assets**

- (a) To seek planning permissions, where required, for developments arising out of the approved Capital or planned maintenance programmes.
- (b) After consultation with the relevant Local Ward Members, to submit planning applications, where appropriate, prior to the disposal of surplus property.
- (c) To appropriate land or property that falls within the General Fund from the administration of one department to another in order, in consultation with the relevant Executive Directors, the Service Director, Law and Governance and the Service Director, Finance.

- (d) To appropriate land or property that falls within the General Fund to and from the administration of the Housing Revenue Account, in consultation with the Service Director Finance.
- (e) In respect of the Annual Planned Maintenance Programme:-
  - (i) to prepare a three year rolling programme for planned maintenance of Council premises in consultation with all services, with the highest priorities being included in year one of the programme;
  - (ii) to place orders for the first year schemes for each service
  - (iii) to approve revisions to the programme resulting from the need to carry out urgent priority works, such revisions to be included in reports to Cabinet at least twice each year.
- (f) To provide services and strategic advice, as appropriate, in relation to all asset and property management matters within the Council, including the provision, allocation and maintenance of administrative buildings and the setting of rents to be paid under inter-departmental lettings.
- (g) To negotiate and settle tilt claims for subsidence, including those arising from Fracking or HS2.
- (h) To value Council houses for sale and deal with any subsequent request for redetermination.
- (i) To manage and oversee the investment portfolio and markets property, including negotiation of leases and tenancies, and to deal with any subsequent assignments, changes of use, modification of covenants and the implementation of rent reviews / lease renewals, providing that the transactions are at the best price reasonably obtained.
- (j) In consultation with the Chief Executive, the Service Director, Finance and relevant Executive Director, where appropriate, all matters relating to asset management, and without prejudice to the generality of the foregoing:-
  - (i) The arrangements for the sale of small areas of land containing up to 0.5 acres and individual surplus properties and having an estimated value not exceeding £150,000, subject to consultation with the local Members and Parish Council concerned and, where appropriate, Cabinet Members;
  - (ii) To determine the method of disposal of land and premises, to establish the appropriate price to be paid (including the appropriate guide and reserve price for disposal by auction), and to authorise the Executive Director, Core Services or appropriate person to enter into a contract with the successful bidder;
  - (iii) The letting of land and buildings (including grazing, garden and garage sites) for periods not exceeding seven years, provided that the transactions are at the best price reasonably obtainable;
  - (iv) Rent reviews of all revenue producing agreements held by way of lease / tenancy or licence agreement;

- (v) The grant and extinguishment of easements, wayleaves and access agreements;
- (vi) The taking of easements, wayleaves and access agreements for the benefit of the Council, where the associated costs can be contained within existing budgets;
- (vii) The giving of the Council's consent, as landlord, to assignments, sub-lettings, changes of use, modification of covenants and the erection of buildings, subject to the notification of local Members and Parish Councils, as appropriate;
- (viii) The release of restrictive covenants on land and property where the value of the release of the covenant does not exceed £150,000;
- (ix) The granting of long leases of small areas of land containing up to 0.25 acres subject to consultation with local Members and the relevant Parish Council;
- (x) The renewal of leases up to 21 years where existing lessees have security of tenure under the provisions of landlord and tenant legislation;
- (xi) The authorisation / certification of valuations for all financial purposes including acquisition, sale or letting of land and/or property by the Council, and for Insurance reinstatement, fixed asset and statutory compensation, together with the power to obtain independent reports where applicable;
- (xii) The provision and maintenance of administrative buildings;
- (xiii) Client side supervision and administration of building cleaning;
- (xiv) To deal with internal requests for accommodation that the Council owns and arrange the necessary internal rental recharge;
- (xv) To deal with all internal property requirements for premises that are owned or managed by third parties, including authority to enter into negotiations for lease or tenancy where the outgoings do not exceed £20,000 per annum, the costs can be contained in existing budgets and has been authorised by the Service Director, Finance;
- (xvi) To deal with all management issues relating to third party premises;
- (xvii) To deal with external applications for accommodation within the administrative buildings of the Council and to negotiate terms to the satisfaction of the Executive Director, Core Services;
- (xviii) To manage and oversee the housing shop units, including negotiation of leases and tenancies, and to deal with any subsequent assignments, changes of use, modification of covenants and the implementation of rent reviews/ lease renewals, providing that the transactions are at the best price reasonably obtainable;

- (xix) To manage and oversee contract negotiations for all land and property transactions in respect of which the power to authorise completion has not been vested in the Group Leader – Assets;
- (xx) To accept dedications to the Council of land and buildings, including the adoption of land, which, in the case the adoption of public open space provided as part of new housing developments, shall be subject to consultation with the Service Director Environment & Transport and Service Director Regeneration and Culture in relation to grounds maintenance and planning issues respectively.
- (k) To agree dilapidation payments to be made to the Council on the property portfolio in respect of the tenant's disrepair of the premises.
- (l) The acquisition of small areas of land containing up to 0.25 acres and having an estimated value not exceeding £20,000.
- (m) To implement the surplus property procedure on formal notification that a premise is surplus to requirements, including taking all necessary measures within the approved policy to prevent vandalism of buildings belonging to or under the control of the Council which are to be vacated or which are to be acquired where immediate occupation is not involved.
- (n) In conjunction with the Executive Director, Core Services to take appropriate action to repossess land or property in cases of breach of covenant or trespass.
- (o) To accept the surrender of short term tenancies and lease of Council land and premises where the premium payable does not exceed £10,000.
- (p) The letting of garages or plots on garage sites on land under the control of the service.
- (q) To complete, authorise and execute any documentation required in respect of property transactions (for example, standard tenancy agreements, licence agreements) where the formal instruction of the Service Director Law and Governance is not required.

## **PUBLIC HEALTH & COMMUNITIES DIRECTORATE**

### **23. Executive Director of Public Health & Communities**

- (a) To exercise the functions and duties of the local authority to take steps to improve public health under section 2B, 111 and 249 and Schedule 1 to the NHS Act 2006, as amended by the Health & Social Care Act 2012.
- (b) To exercise any of the Secretary of State's public health protection or health improvement functions that are delegated to local authorities, either by arrangement or under regulations, including services mandated by regulations made under section 6C of the NHS Act 2006, as amended by section 18 of the Health and Social Care Act 2012.

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- (c) To exercise on behalf of the local authority the Secretary of State's public health functions in pursuance of arrangements under section 7A of the NHS Act 2006.
- (d) To exercise the local authority's functions relating to planning for, or responding to, emergencies that present a risk to health.
- (e) To exercise the local authority's duty to co-operate with the prison service in the functions relating to securing and maintaining the health of prisoners under section 325 of the Criminal Justice Act 2003.
- (f) To take action to respond to a certification by the Chief Medical Officer under Section 47 of the National Assistance Act 1948 that persons in need of care and attention should be removed to suitable premises, subject to consultation with the Executive Director, Core Services where this requires an application to the courts.
- (g) To exercise such other public health functions of the local authority as the Secretary of State may prescribe.
- (h) To write the annual report on the health of the local population.
- (i) Subject to the publication of Regulations, to make the local authority's public health response as described in the Licensing Act 2003, including the making of representations about licensing applications, as set out in sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act 2003, as amended by Schedule 5 of the Health and Social Care Act 2012.
- (j) Where the local authority provides or commissions a maternity or child health clinic, to exercise the functions of the local authority to provide Healthy Start vitamins under the Healthy Start and Welfare Food Regulations 2005, as amended.
- (k) To exercise the functions of the local authority under sections 6C(1) and (3) of the NHS Act 2006, as amended by the Health and Social Care Act 2012, in relation to:
  - Steps to be taken to protect the health of the local population
  - Ensuring NHS commissioners receive the public health advice they need
  - The National Child Measurement Programme
  - Providing appropriate access to sexual health and contraception services
  - NHS Health Check Assessments
- (l) To take the lead on behalf of the local authority in relation to its non-mandated public health commissioning responsibilities, including:
  - Public health services for children and young people aged 5-19 (including school nursing) and from 2015 all public health services for children and young people (including health visiting)
  - Dental public health services
  - Supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes

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- Local initiatives that reduce public health impacts of Operational risks.
- Population level interventions to reduce and prevent birth defects
- Locally led nutrition initiatives
- Local initiatives to reduce excess deaths as a result of seasonal mortality, e.g. excess winter deaths

(m) To provide public health advice to the lead commissioners in relation to its non- mandated public health commissioning responsibilities, including:

- Tobacco control and smoking cessation services
- Alcohol and drug misuse services
- Interventions to tackle obesity such as community lifestyle and weight management services
- Public health aspects of promotion of community safety, violence prevention and response
- Public mental health services (not mental illness)
- Increasing levels of physical activity in the local population
- Behavioural and lifestyle campaigns to prevent cancer and long-term conditions
- Locally-led nutrition initiatives
- Local initiatives on workplace health
- Local initiatives to reduce excess deaths as a result of seasonal mortality e.g. excess winter deaths
- Accidental injury prevention
- Public health aspects of local initiatives to tackle social exclusion

#### **24. Service Director of Public Health & Regulation**

- (a) To appoint a suitably qualified officer to act as Chief Inspector of Weights and Measures for the Council.
- (b) In consultation with the Executive Director and Executive Director, Core Services to institute legal proceedings in respect of those matters for which the Service Director Public Health has operational responsibility.
- (c) To nominate others to accompany officers in the course of their duty, as provided in the relevant legislation and to nominate a Proper Officer for health matters.
- (d) To support the Council's elected Member representatives on the South Yorkshire Joint Trading Standards Committee.
- (e) To control and monitor closed disposal sites to prevent pollution or operational nuisance.
- (f) to commission, on the advice of the Director of Public Health, the following non-mandated public health responsibilities:
- Behavioural and lifestyle campaigns to prevent cancer and longer-term conditions
  - Accidental injury prevention
- (g) to commission, on the advice of the Director of Public Health, the following non-mandated public health responsibilities:
- Tobacco control and smoking cessation services

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- Alcohol and substance misuse services
- Interventions to tackle obesity such as community lifestyle and weight management services
- Public health aspects of promotion of community safety, violence prevention and response, including domestic abuse and sexual violence
- Public mental health services (not mental illness)
- Increasing levels of physical activity in the local population
- Public health aspects of local initiatives to tackle social exclusion
- Homeless prevention support services and support to people with multiple and complex needs.

- (h) To exercise the Council's powers and functions and to undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices (including suspension notices), notifications, waivers, transfer, authorisations, permits, and legal proceedings under the legislation applicable thereto set out below, and including all regulations, orders and statutory guidance made there under, and to exercise all other relevant powers, including powers of entry provided under such legislation:

Accommodation Agencies Act 1953

Administration of Justice Act 1970

Agriculture Act 1970

Agriculture (Miscellaneous Provisions Act 1968

Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

Animals Act 1971

Animal Gatherings Order 2010

Animal Health Act 1981 and 2002, including amendment regulations 1992 and 2005

Animal Health and Welfare Act 1984

Animal Welfare Act 2006

Animal Welfare (Licencing of Activities Involving Animals) (England) Regulations 2018

Anti-Social Behaviour Act 2003

-section 54 – Sale of aerosol paint to children

- sections 40, 41, and 42 in relation to noise

Anti-Social Behaviour, Crime and Policing Act 2014

Anthrax Order 1991 & Amendment Order 1996

Aquatic Animal Health (England & Wales) Regulations 2009 and amendment regulations 2011

Avian Influenza & Influenza of Avian Origin in Mammals (England) (No2) Order 2006

Banking Act 1987

Biocidal Products and Chemical (Appointment of Authorities and Enforcement) Regulations 2013

Birmingham Commonwealth Games Act 2020

British Telecommunications Act 1981

Botulinum Toxin and Cosmetic Fillers (Children) Act 2021

Brucellosis (England) Order 2015

Cancer Act 1939 (Section 4)

Caravan Sites and Control of Development Act 1960

Charities Act 2006

Chemical (Hazard information and Packaging for Supply) Regulations 2009

Children and Families Act 2014

Children and Young Persons Act 1933



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Children and Young Persons (Protection from Tobacco) Act 1991  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005 (Sections 59, 61, 77, 78, 79)  
Companies Act 1985, 1989 and 2006  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Consumer Rights Act 2015  
Consumers, Estate Agents and Redress Act 2007  
Control of Pollution Act 1974  
Copyright, Designs and Patents Act 1988  
Courts and Legal Services Act 1990 (Sections 104 to 107)  
Control of Pollution (Amendment) Act 1989  
Criminal Attempts Act 1981  
Criminal Justice Act 1988 (Section 141a)  
Criminal Justice and Police Act 2001  
Criminal Justice and Public Order Act 1994  
Crossbows Act 1987  
Customs & Excise Management Act 1979  
Dangerous Dogs Act 1991  
Dangerous Substances and Explosive Atmospheres Regulations 2002  
Dangerous Wild Animals Act 1976  
Data Protection Act 2018  
Development of Tourism Act 1969  
Dogs Act 1871 and 1906  
Dogs (Fouling of land) Act 1996  
Education Reform Act 1988  
Energy Act 1976  
Enterprise Act 2002  
Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015  
Environment Act 1995  
Environmental Protection Act 1990  
Environmental Protection (Microbeads)(England) Regulations 2017  
Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020  
Estate Agents Act 1979  
Explosives Acts 1875 and 1976  
Explosive Substances Act 1883

### **European Union (Withdrawal) Act 2018**

as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Advanced Television Services Regulations 2003  
Addition of Vitamins, minerals and other substances (England) (Amendment) Regulations 2010  
African Horse Sickness (England) Regulations 2012  
Animal By Products (Enforcement) (England) Regulations 2013  
Animals and Animal By Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015  
Animal Feed (England) Regulations 2010  
Animal Feed (Basic Safety Standards) (England) Regulations 2019  
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015  
Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations

2015

Avian Influenza (H5N1 in Poultry) (England) Order 2006  
Avian Influenza (H5N1 in Wild Birds) (England) Order 2006  
Avian Influenza (Preventative Measures) (England) Regulations 2006  
Avian Influenza (Vaccination)(England) Regulations 2006  
Beef and Veal Labelling Regulations 2010  
Biofuel Labelling Regulations 2004  
Bluetongue Regulations 2008  
Business Protection from Misleading Marketing Regulations 2008  
Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008  
Cattle Identification Regulations 2007  
Classical Swine Fever (England) Order 2003  
Construction Products Regulations 2013  
Contaminants in Food (England) Regulations 2010  
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013  
Consumer Protection from Unfair Trading Regulations 2008  
Consumer Rights (Payment Surcharges) Regulations 2012  
Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic  
Country of Origin of Certain Meats (England) Regulations 2015  
Crystal Glass (Descriptions) Regulations 1973  
Detergents Regulations 2010  
Diseases of Swine Regulations 2014  
EC Fertilisers (England and Wales) Regulations 2006  
Egg and Chicks (England) Regulations 2009  
Electrical Equipment (Safety) Regulations 2016  
Electromagnetic Compatibility Regulations 2016  
Energy Information Regulations 2011  
Energy Performance of Buildings (England and Wales) Regulations 2012  
Equine Identification (England) Regulations 2018  
Explosives Act 1875  
Feed Sampling and Analysis of Specified Undesirable Substances (England) Regulations 2010  
Feed (Hygiene and Enforcement) (England) Regulations 2005  
Financial Services (Distance Marketing) Regulations 2004  
Flavourings in Food (England) Regulations 2010  
Fluorinated Greenhouse Gases Regulations 2015  
Food Additives (England) Regulations 2009  
Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow on Formula) (Information and Compositional Requirements) (Amendments etc) (England) Regulations 2020  
Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016  
Food Information Regulations 2014  
Food Safety and Hygiene (England) Regulations 2013 as amended  
Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006  
Footwear (Indication of Composition) Labelling Regulations 1995  
Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018  
Gas Appliances (Safety) Regulations 1995  
General Product Safety Regulations 2005  
Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004

Horse Passport Regulations 2009  
Materials and Articles in Contact with Food (England) Regulations 2012  
Measuring Container Bottles (EEC requirements) Regulations 1977  
Measuring Instruments Regulations 2016  
Microchipping of Dogs (England) Act 2015  
Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015  
Non-automatic Weighing Instruments Regulations 2016  
Official Controls (Animals, Feed & Food, Plant Health Fees etc.) Regulations 2019  
Official Controls (Animals, Feed & Food, Plant Health Fees etc.) (amendment) (EU Exit) Regulations 2020

Official Feed and Food Controls (England) Regulations 2009 and amendment Regulations 2011  
Olive Oil (Marketing Standards) Regulations 2014  
Organic Products Regulations 2009  
Ozone Depleting Substances Regulations 2015  
Package Travel and Linked Travel Arrangements Regulations 2018  
Packaging (Essential Requirements) Regulations 2015  
Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001  
Performing Animals (Regulations) Act 1925  
Personal Protective Equipment (Enforcement) Regulations 2018  
Pet Animals Act 1951  
Petroleum (Consolidation) Regulations 2014  
Pigs (Records, identification & movement) Order 2011  
Planning (Listed Buildings & Conservation Areas) Act 1990 (Part 1 Chapter 11 and Chapter IV, Part III Section 88, 88A and 88B  
Redress Schemes for Letting Agencies Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014  
Poultry meat (England) Regulations 2011  
Pressure Equipment (Safety) Regulations 2016  
Products of Animal Origin (Disease Control) (England) Regulations 2008  
Pyrotechnic Articles (Safety) Regulations 2015  
Quick Frozen Foodstuffs (England) Regulations 2007  
Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018  
Radio Equipment Regulations 2017  
REACH Enforcement Regulations 2008  
Registration of Establishments (Laying Hens) (England) Regulations 2018  
Recreational Craft Regulations 2017  
Registration of Establishments (Laying Hens) (England) Regulations 2003  
Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013  
Scotch Whisky Regulations 2009  
Sheep and Goats (Records, identification and Movement) (England) Regulations 2009  
Simple Pressure Vessels (Safety) Regulations 2016  
Specified Products from China (Restrictions on First Placing on the Market) (England) Regulations 2008  
Spirit Drinks Regulations 2008  
Standardised Packaging of Tobacco Products Regulations 2015  
Supply of Machinery (Safety) Regulations 2008  
Textile Products (Labelling and Fibre Composition) Regulations 2012  
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010

Tobacco and Related Products Regulations 2016  
Toys (Safety) Regulations 2011  
Trade in Animals and Related Products Regulations 2011  
Transmissible Spongiform Encephalopathies (England) Regulations 2018  
Transmissible Spongiform Encephalopathies and Animal By Products (amendment etc) (EU Exit) Regulations 2019  
Veterinary Medicines Regulations 2013  
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012  
Weights and Measures (Packaged Goods) Regulations 2006  
Welfare of Animals (Transport) (England) Order 2006  
Welfare of Animals at Time of Killing (England) Regulations 2015  
Wine Regulations 2011  
Welfare of Farmed Animals (England) Regulations 2007 and 2010  
Welfare of Racing Greyhounds Regulations 2010  
Working Time Regulations 1998 as amended  
Zoonosis (Monitoring) (England) Regulations 2007  
Factories Act 1961  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Financial Services Act 1986  
Fireworks Act 1951 and 2003  
Food Act 1984  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Foot and Mouth Disease (England) Order 2006  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Gambling Act 2005  
General Product Safety Regulations 2005  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Health Act 2006  
Health & Safety at Work etc. Act 1974 and associated regulations  
Health & Safety (Enforcing Authority) Regulations 1998  
Health and Social Care Act 2008 (Sections 129 and 130 and Schedule 11)  
Housing and Planning Act 2016 as it relates to Client Money Protection Schemes  
Insurance Brokers (Registration) Act 1977  
Insurance Companies Act 1981  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Law of Property (Miscellaneous Provisions) Act 1989  
Legal Services Act 2007  
Licencing Act 2003  
Local Government Act 1972 Sections 222 and 223 (in respect of RIPA Applications to Magistrates Court)  
Local Government Act 1987  
Local Government Act 2003 (Section 120 (in so far as it amends section 15 of the Local Government (Miscellaneous Provisions) Act to add the regulation of cosmetic piercing and semi-permanent skin colouring businesses)  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Local Government and Housing Act 1989  
Malicious Communications Act 1988

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Medical Devices Regulations 1994  
Medicines Act 1968  
Medicines and Medical Devices Act 2021  
Motorcycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
National Lottery etc Act 1993  
National Assistance Act 1948  
Noise and Statutory Nuisance Act 1993  
Noise Act 1996  
Nurses Agencies Act 1957  
Offices Shops and Railway Premises Act 1963  
Offensive Weapons Act 1996 Section 6  
Offensive Weapons Act 2019  
Olympic Symbol etc. (Protection) Act 1995  
Poisons Act 1972  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Prices Act 1974 and 1975  
Price Marking Order 2004  
Private Water Supply Regulations 2010  
Protection of Animals Act 1911  
Psychoactive Substances Act 2016  
Public health Acts 1936 and 1961  
Public Health (Control of Diseases) Act 1984  
Rabies (Control) Order 1974  
Refuse Disposal (Amenity) Act 1978 in so far as it refers to abandoned vehicles  
Registered Designs Act 1949  
Regulation of Investigatory Powers Act 2000  
Road Traffic Acts 1988 and 1991  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Regulation Act 1984  
Scrap Metal Dealers Act 2013  
Sheep Scab Order 1997  
Slaughterhouses Act 1974  
Slaughter of Poultry Act 1967  
Solicitors Act 1974  
Single Use Carrier Bags Charges (England) Order 2015  
South Yorkshire Act 1980 (except Section 29)  
Sunbeds (Regulation) Act 2010  
Sunday Trading Act 1994  
Swine Vesicular Disease Regulations 2009  
Telecommunications Act 1984  
Tenant Fees Act 2019  
Theft Act 1968  
Timeshare, Holiday Products, Resale and Exchange Contracts) Regulations 2010  
Tobacco Advertising and Promotions Act 2002  
Town Police Clauses Act 1847  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Representations (Disabled Persons) Act 1958 and 1972  
Trading Schemes Act 1996  
Transport of Animals (Cleansing & Disinfectant) (England) Order 2003 and

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Amendment Order 2007  
Unsolicited Goods and Services Acts 1971 and 1975  
Vehicles (Crime) Act 2001  
Vehicle (Excise) Act 1971  
Video Recordings Act 1984  
Water Industries Act 1991  
Weights and Measures Act 1976 and 1985  
Young Persons (Employment) Acts 1938 and 1964  
Zoonoses Order 1989  
Zoo Licencing Act 1981

- (i) Generally, and without prejudice to any of the foregoing functions, in consultation with the Executive Director, Core Services to instigate enforcement action relating to use of land or buildings, where the steps required by the enforcement action are limited to the cessation of the activity and/or restoration of the land to its former condition

**Procedures for recording decisions taken by officers**

<b>The Regulatory* requirement to record officer decisions applies to:-</b>		
		<b>Explanatory note:-</b>
<b>1</b>	<b>Executive decisions</b>	Decisions taken by delegated authority granted by the Executive (Cabinet, Cabinet Committee, etc)
<b>2</b>	<b>Non Executive decisions made under a <u>specific express authorisation</u></b>	An issue where full Council, Cabinet, a Cabinet Spokesperson or Regulatory Board has authorised an officer to take action on a specific manner.
<b>3</b>	<b>Non Executive decisions made under a <u>general authorisation</u> to take such decisions and the effect of the decision is to:</b>	An issue where the authority derives from a function listed in the Schemes of officer delegations
<b>3a</b>	<b>Grant a permission or licence;</b>	Where decisions are already required to be published by other legislation (eg Planning Permission, Taxi or Premises License), they do not need to be recorded again provided the record published includes the date the decision was taken and the reasons for the decision
<b>3b</b>	<b>Affects the right of an individual; or</b>	<p>Case law example - a decision that led to the erection of scaffolding and plywood in front of a neighbouring property which blocked light into the property for 60 weeks, was held to affect the rights of an individual.</p> <p>Other examples might be the decision to erect a new CCTV camera in a particular place or the decision to adopt a Neighbourhood Plan following a referendum.</p>
<b>3c</b>	<b>Award a contract/incur an expenditure which materially affects that relevant local government body's financial position.</b>	<p>An ODR is required for any such award over £70k. This threshold applies to the whole life cost ie if expenditure is £60k over 3 years, this equates to £180k and an ODR would be required.</p> <p><b>NOTE:</b> an ODR should be completed for all decisions regardless of spend, that could be deemed to be of significant public interest or reputational risk (see paragraph 2).</p>

## 1. Recording a Decision

Once a decision has been taken, an officer decision should be completed as soon as possible and must contain the following information:

- a. the decision taken, including the date it was made;
- b. the reasons for the decision;
- c. details of any alternative options considered and rejected by the officer when making the decision;
- d. any conflict of interest declared by any executive member consulted by the officer which relates to the decision; and
- e. in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

The regulations also require that the statement and any supporting documents be available for inspection by the public and on the Council's website.

## 2. Guidance on decisions to be recorded

### **All officer decisions over £70k need to be recorded.**

If the decision is less than £70k then a judgement needs to be made as to whether the decision still needs to be recorded and published online. Officers should liaise with their Head of Service or DMT if guidance is required.

Decisions which fall into this category, include:-

- Decisions of public or political interest
- Decisions with a potential for reputational risk
- Decisions which are likely to be challenged by residents, partners or third parties
- Decisions which are subject to EIA's which have shown a significant impact on a specified group/groups.
- Service reductions which are significant but do not fall within the Key Decision criteria.
- Any decision which the Monitoring Officers directs should be published

## 3. Examples of decisions that do not need to be recorded - Department for Communities and Local Government Guidance (2014)

- Routine administrative and organisational decisions such as the purchase of office supplies or repairs
- A decision to sign an allotment tenancy agreement;
- Decisions to allocate burial plots; and
- Decisions to book rooms or sports grounds.
- Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published includes the date the decision was taken and the reasons for the decision.



Once the notice of decision and any supporting documentation has been fully completed, the officer making the decision should make arrangements for it to be scanned as one document and e-mailed to the Council Governance Unit at [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) for publication in the website. The original documentation should be kept on file by the decision making officer according to their normal procedures.

## Appendices

- Appendix 1 Flow Chart
- Appendix 2 Pro forma notice of decision
- Appendix 3 Categories of exempt information as described in the Local Government Act, Part 1, Schedule 12A

### \*Regulations:

- Executive Decisions: Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Last Updated – June 2020
- Non-Executive Decisions: Openness of Local Government Bodies Regulations 2014 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

### Officer Decision Record Flowchart

Do I need an ODR?

Does the officer have delegated authority to make the decision?

No

Cannot proceed

Yes

Is this decision:

to grant a permission or licence?

or

going to affect the rights of an individual?

Is there already a public record of the decision?  
(eg planning permission or license)

No

ODR required

Yes

No ODR required

Expenditure over £70k?

Yes

ODR required

Expenditure less than £70k?

Is the decision likely to be of significant public interest or reputational risk?  
(see paragraph 2)

Yes

ODR required

No

No ODR required

## Officer Decision Record (ODR)

The following decision was taken on **(insert date)** by the **(insert officer title)**

**IMPORTANT NOTE: This information will be published on the Council's website as a record of the decision. Any exempt or confidential information should be detailed within the Not for Publication – Exempt Information box.**

### Title

*Insert a short title to be displayed on the Council's website.*

### Decision Taken

*Provide a clear and succinct description of the decision taken.*

### Reasons for Decision

*Include a statement of reasons for the decision taken. Information on those consulted on the proposed action/decision should also be included.*

### Alternatives Considered

*Outline any options for action considered and rejected.*

### Authority

*Insert reference to relevant section of the Scheme of Delegation or Council/ Cabinet/Regulatory Board Minute Number, where appropriate, to show where the delegated powers on this matter was authorised.*

### **NOT FOR PUBLICATION – EXEMPT INFORMATION**

This information is not available to the public and press because it contains exempt information described in paragraph **X [insert relevant Paragraph Number from the table on page 2]** of Schedule 12 A to the Local Government Act 1972 as amended.

*Insert any information in relation to the decision taken that is not for publication on the Council's website here.*

### Elected Member Conflicts of Interest

*Record any conflicts of interest, and dispensations granted*

*Signature*  
 \_\_\_\_\_  
 (Insert Officer name)

\_\_\_\_\_  
 (Insert more Officer names as  
 required)

\_\_\_\_\_  
*Signature*  
 Cabinet Spokesperson  
 (if required)

### EXEMPT / PRIVATE PARAGRAPHS

A report may only be exempt from publication if the public interest in maintaining confidentiality outweighs the public interest in disclosing the information.

The categories of exempt information referred to above are described as follows:

Paragraph	Description
1	Information relating to any individual - This information may subsequently be disclosed when the public interest would no longer be served by withholding publication.
2	Information which is likely to reveal the identity of an individual.
3	Financial and Business Affairs – Information which, if disclosed to the public would, or would be likely to, prejudice the financial or business affairs of any particular person (including the Local Authority holding the information). Financial or business affairs include contemplated, as well as past or current activities.
4	Labour Relations – Information which, if disclosed to the public would, or would be likely to, prejudice consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter, as defined in Section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992, arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority. This information may subsequently be disclosed once the consultations or negotiations are concluded.
5	Legal Privacy – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Enforcement Proceedings – Information which, if disclosed to the public, would reveal that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7	Crime Prevention – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

### **Restrictions on the Publication of Reports Considered by Meetings within the Council**

The Cabinet and other Council meetings are generally required to consider all reports in public. However, the facility exists to consider a report in private if it contains certain categories of information. The relevant legal provision is Schedule 12A to the Local Government Act 1972, as amended.

This note gives practical guidance on how exemptions from publication can be “claimed” and what qualifications to this apply. However, on a general note, any information which gives rise to an exemption must be specific, not theoretical, and must be relevant to the decision being sought from Members. The whole intention of the Freedom of Information Act is to ensure the availability of information, including reports, to the public and the starting point, therefore, is that all reports will be made available for publication.

Report authors are encouraged to contact the Council Governance Unit for assistance and advice in applying these provisions.

#### **Exempt Information under the Terms of the Local Government Act 1972, Schedule 12A (as amended)**

Council meetings may consider reports following the exclusion of the public and press from the meeting if it contains some types of information, other than personal information, as described above. These categories of so-called exempt information are set out in Schedule 12A to the Local Government Act 1972, which has been amended to be consistent with the Freedom of Information Act.

The Categories of Exempt Information are given below and report authors need to consider these when seeking an exemption from publication, having regard to the qualifications that apply to each of the exemptions.

A particular issue that report authors need to bear in mind is the application of the public interest test included in the Freedom of Information Act. This means that a report cannot be exempt from publication unless, in all circumstances of the case, the public interest in maintaining confidentiality outweighs the public interest in disclosing the information. Even so, the exemption from publication may be time limited: For example it may not be in the public interest to publish the budget allocation for a particular contract, as this might affect the tender bids received; however, once the contract has been let there is no reason for this report to continue to be withheld from publication. Therefore, where there is a valid public interest justification for withholding the publication but this is time limited, report authors should include this information in the report.

To identify that a report contains exempt information, report authors should complete the Public or Private information at the top of the Cabinet report template.

The categories of exempt information are as follows:-

**Paragraph Number/  
Information Type**

**Qualification**

**Paragraph 1**

Information relating to any individual.

Information falling within this Paragraph is subject to the public interest test referred to above. Exemption from publication will also generally be time limited, requiring report authors to consider the date on which the public interest will no longer be served by withholding publication.

Information in this Paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992

**Paragraph 2**

Information which is likely to reveal the identity of an individual.

Information falling within this Paragraph is subject to the time-limited public interest test referred to above.

Information in this Paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992

**Paragraph 3**

Information relating to the financial or business affairs of any particular person (including the Local Authority holding the information).

Information falling within this Paragraph is subject to the time-limited public interest test referred to above. Financial or business affairs includes contemplated, as well as past or current activities.

**Paragraph Number/  
Information Type**

**Qualification**

**Paragraph 3 (cont/d...)**

Information falling within this Paragraph is not exempt information by virtue of that Paragraph if it is required to be registered under:

- a. The Companies Act 1985
- b. The Friendly Societies Act 1974
- c. The Friendly Societies Act 1992
- d. The Industrial & Provident Societies Acts 1965 to 1978
- e. The Building Societies Act 1986 or
- f. The Charities Act 1993

Information in this Paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992

**Paragraph 4**

Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.

Information falling within this Paragraph is subject to the time-limited public interest test referred to above. Note that it is therefore likely that, once the consultations or negotiations are concluded, the information is no longer exempt from publication.

In this context, “Labour relations matters” means (a) any of the matters specified in Paragraphs (a) to (g) of Section 218(l) of the Trade Union and Labour Relations (Consolidation) Act 1992 (ie matters which may be the matter of a trade dispute within the meaning of that Act) or (b) any dispute about a matter falling within Paragraph (a) above.

Information in this Paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992

**Paragraph Number/  
Information Type**

**Qualification**

**Paragraph 5**

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Information falling within this Paragraph is subject to the time-limited public interest test referred to above.

Information in this Paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992

**Paragraph 6**

Information which, if disclosed to the public, would reveal that the authority proposes:

Information falling within this Paragraph is subject to the time-limited public interest test referred to above.

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

Information in this Paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992

(b) to make an order or direction under any enactment

**Paragraph 7**

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime

Information falling within this Paragraph is subject to the time-limited public interest test referred to above.

Information in this Paragraph is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992