



**Armagh City
Banbridge
& Craigavon**
Borough Council

OFFICER SCHEME OF DELEGATION

January 2018

CONTENTS

| | | |
|--------------|---|---------|
| 1. | Purpose & Interpretation | 3 |
| 1.1 | Purpose of the Scheme of Delegation | 3 |
| 1.2 | Legislative Provisions | 3 |
| 1.3 | Interpreting and applying the Scheme of Delegation | 3 - 4 |
| 2 | Reservation to the Council – Powers which cannot be delegated | 5 - 6 |
| 3. | General Delegated Functions | 6 |
| 3.1 | General Administration / Management | 6 |
| 3.2 | Finance | 7 |
| 3.3 | In Cases of Emergency / Urgency | 7 |
| 3.4 | Management of Land & Facilities | 7 |
| 3.5 | Human Resources | 8 |
| 3.6 | Procurement | 8 - 9 |
| 3.7 | Small grants | 9 |
| 4. | Specific Delegated Functions | 9 |
| 4.1 | Chief Executive | 9 |
| 4.2 | Strategic Director (Position) | 11 - 12 |
| 4.3 | Strategic Director (Performance) | 12 - 13 |
| 4.4 | Strategic Director (People) | 13 - 15 |
| 4.5 | Strategic Director (Place) | 15 |
| Appendix I | Section 7 The Local Government (NI) Act (2014) | 16 |
| Appendix II | Specified Officer Positions | 17 |
| Appendix III | Legislative Provisions | 18 - 23 |

1. PURPOSE AND INTERPRETATION

1.1 Purpose of the Scheme of Delegation

1.1.1 The primary purpose of this Scheme of Delegation (“the Scheme”) is to set out the decisions and authorisations which officers can make or grant without any further reference to Committees or Council. It is designed to aid the decision making process, make better use of resources and to enable Elected Members to concentrate on strategic matters linked to the corporate priorities of the Council. The Scheme enables officers to address matters of an operational nature to help ensure the integrated management of services. It should be noted that all officers, at whatever level, are required to carry out day to day operational functions within the limits of their job descriptions.

1.2 Legislative Provisions

1.2.1 The Scheme is made in accordance with Section 7 (arrangements for discharge of functions of Council) of the Local Government (Northern Ireland) Act 2014 as provided at **Appendix I.**

Part 8, paragraph 49(2) of The Local Government (Northern Ireland) Act 2014 requires local authorities to maintain a list:

- a) specifying those powers of the Council which are exercisable by officers of the Council; in pursuance of arrangements made under this Act or any other statutory provisions for their discharge by those Officers; and
- b) stating the title of the officer by whom each of the powers so specified is so exercisable.

1.2.2 Section 31(1) of the Planning Act (Northern Ireland) 2011 also requires a Council to produce a separate Scheme of Delegation detailing planning applications decisions that can be delegated to officers: planning applications that must be decided by committee and arrangements for requesting applications to be brought to committee that might otherwise be delegated. **This scheme was approved in July 2015 and is a stand-alone document in line with the legislative provision outlined.**

1.3 Interpreting and applying the Scheme of Delegation (Assurance for Members)

1.3.1 The Scheme does not delegate to officers any matter reserved to Council and which by law may not be delegated, that is the power of setting the district rate, or of borrowing money or of acquiring, holding or disposing of land as set out in Section 7(3) The Local Government (Northern Ireland) Act 2014. The Officers identified in this scheme are empowered to make decisions on behalf of the Council in accordance with the arrangements detailed in this section.

- 1.3.2** An officer shall only exercise a delegated power under this Scheme subject to, and in accordance with –
- The agreed plans (including but not limited to Corporate, Community, Directorate, Transformational, Financial and Business Plans, Performance Improvement Plans), policies, programmes and objectives approved by Council
 - The Standing Orders, Financial Regulations, Equality Scheme, Codes of Conduct and any other relevant governance policies contained within the Council's Constitution; and agreed Departmental budget
 - The understanding that the Council and its Committees retain its authority for decisions on matters of significant strategic policy
- 1.3.3** Authority to take decisions and other actions pursuant to the Scheme shall be exercised in the name of the delegated officer but not necessarily personally by him / her. In the absence of the officer to whom a function is delegated, the function may be exercised by the officer(s) responsible for the performance of the duties of that officer.
- 1.3.4** Delegation to deal with any matter shall not derogate from the power of the Council or that of relevant Committees, to call for an update on any decision or action taken under the Scheme.
- 1.3.5** An officer shall, notwithstanding delegated powers, refer a matter to the relevant Committee in any case involving controversy, political sensitivity or if it is in the public interest to do so.
- 1.3.6** In any case where the exercise of a delegated power involves considerations within the remit of another officer, the officer exercising the power shall consult with that other officer prior to taking any final decision.
- 1.3.7** Any reference in the Scheme to a statutory enactment shall be deemed to include any modification or re-enactment or any regulations thereof.
- 1.3.8** Authority to exercise any delegated power shall include authority to take all necessary actions of an incidental or consequential nature and to take all operational decisions, in relation to the services for which they are responsible.
- 1.3.9** Decisions made by officers under delegated authority are not subject to reconsideration under "Call-in" as per Part 7, paragraph 41 of the Local Government Act (NI) which applies only to decisions made by the Council or a Committee of Council.
- 1.3.10** The Council has an assurance framework in place which provides information on compliance with the various elements of the Councils governance framework, including performance reports, finance reports and internal audit reports.
- 1.3.11** Delegated matters are governed by robust policies including financial regulations, procurement, Human Resources and ICT. The policy owners are responsible for ensuring that there is a framework for compliance monitoring, with any instances of non-compliance being reported.

1.3.12 Key policy areas are subject to periodic internal audit review and the governance framework is reviewed and reported annually in the Annual Governance Statement which forms part of the published financial statements.

2. RESERVATION TO THE COUNCIL – POWERS WHICH CANNOT BE DELEGATED

2.1 In terms of the law, full Council must exercise certain responsibilities. In addition, Council has chosen to retain matters that it will deal with itself.

2.2 Full Council is the main scrutiny and debating forum for issues affecting the Borough and the provision of democratic leadership and promotion of the area's health and wellbeing. It exercises strategic leadership for the area and promotes the Council's core values and aims.

2.3 Armagh City Banbridge and Craigavon Borough Council will **not** delegate the following functions:

- Appointing the Lord Mayor, Deputy Lord Mayor and all positions of responsibility
- Agreeing any material changes to the scope of the Scheme of Special Responsibility allowances
- Awarding Freedom of the Borough to individuals or organisations
- Establishing Committees, agreeing the terms of reference and determining the delegation of functions to these
- Appointing Elected Members to serve on Joint Committees
- Approving, reviewing and amending the Council's Standing Orders, Scheme of Delegation, and Financial Regulations
- Approving the strategic objectives and the corporate policies of the Council, including any new policies or strategic plans or changes to policies which have a significant impact on the Council's strategic objectives, corporate policies or its resources
- Approving and setting the Council's Capital Programme
- Making altering or cancelling any scheme made under any enactment
- Determining the delegation of functions to Officers
- Determining whether to co-operate or combine with other local authorities in providing services
- Determine any process for the selection, appraisal, appointment, payment or dismissal of the Chief Executive
- Approval of overall pricing structures for major Council facilities
- Approval of the discontinuation of major services provided by Council including social media and on line services.

- Taking any other decisions which cannot by law be delegated to a committee or an Officer eg striking the rate, disposing of land

3. GENERAL DELEGATED FUNCTIONS

The Chief Executive, Strategic Directors, and Heads of Service, identified at Appendix II, have delegated authority to exercise the following general functions in the administration of their duties. All of the delegations listed in the various sections shall be exercised in accordance with relevant legislation, Council regulations, policies, procedures and budgets.

3.1 General Administration / Management

- 3.1.1** Taking all necessary action for the effective day-to-day management, administration, deployment of staff, procurement of resources in line with all approved policies, procedures and plans as considered necessary and supervision of the directorate and its services and facilities for which the officer is responsible.
- 3.1.2** Implementing those strategies, service reviews, programmes, actions, events and initiatives which the officer is responsible for, as set out in agreed Council plans (refer to 1.3.2) subject to regular reporting to the relevant Committee and to the expenditure being within agreed budgets.
- 3.1.3** Engaging and procuring external consultancy, research and other such assistance, following agreed procurement procedures and within the agreed Framework for Use of External Consultancy.
- 3.1.4** Making initial applications for grant funding from external bodies in line with all approved policies, procedures and plans (provided there is no financial commitment for the Council) where time constraints prohibit Council approval and any decision to proceed remains subject to Committee approval.
- 3.1.5** Developing and implementing specific promotions, schemes and events, waiving fees and taking other measures to take account of market conditions to promote and protect the reputation of the Council.
- 3.1.6** In consultation with the Council's Legal Adviser(s), initiating legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the officer's Department.
- 3.1.7** Entering into pre-contract discussions with external agencies and other organisations concerning the provision of services and facilities.
- 3.1.8** Obtain Legal advice on corporate, legislative and operational matters when required.
- 3.1.9** Assume delegated authority for projects - after consultation with the relevant Chairperson and Party Leaders Forum - with Council approval where timescales or size of projects demand that matters cannot be brought to a Committee or Council meeting. Where additional delegated powers are believed to be required, a paper to Council will be provided in each case containing recommendations for consideration.

3.2 Finance

- 3.2.1** In consultation with the Head of Finance & ICT authorising the transfer of a budget from one budget heading to another within the agreed budgets for the Department and in accordance with the limits outlined in the Financial Regulations.
- 3.2.2** Authorising appropriate payments to employees in the Department in respect of telephone, travel and subsistence allowances, standby and call out allowances, overtime, additional duties, costs of study course and removal and relocation expenses, in accordance with Council policies (where material).

3.3 In Cases of Emergency / Urgency

The exercise of the following delegated powers concerns cases of emergency or urgency (exceptional circumstances) to ensure service and business continuity in the discharge of the Council's services and facilities.

- 3.3.1** Taking such measures, including incurring expenditure, as may be required in emergency situations or cases of urgency, subject to advising the appropriate Chairperson and reporting to the appropriate Committee as soon as possible.
- 3.3.2** Where such measures involve the Council incurring expenditure of an amount that is likely to result in expenditure exceeding the approved budget, then the officer should advise the Head of Finance and ICT.

3.4 Management of Land and Facilities

The exercise of the following delegated powers concerns the management of the Council's land and facilities (e.g. leisure centres, visitor attractions, community centres, parks and open spaces etc). The use of these delegated powers is subject to there being no disposal, or acquisition of land involved and in accordance with Council policies.

- 3.4.1** Permitting the use of such facilities by Council Departments and services and outside bodies in accordance with any relevant Council policies.
- 3.4.2** Varying the opening times of, or restricting access to, or closing such facilities on a temporary basis in special circumstances (for example to permit maintenance or other operational reasons). Members to receive early notification of any such variances to opening/closing times.
- 3.4.3** Varying the fees, charges and concessions by way of special offers or promotions of the services linked to such facilities, taking into account the prevailing market conditions and the needs of the service.
- 3.4.4** Instructing the Council appointed Valuer to undertake rent reviews and implement these where applicable.
- 3.4.5** Revising rents on the basis of RPI increases as per the terms of Leases/ License /Franchise Agreements.

- 3.4.6 Approving, after consultation and agreement by the Party Leaders Forum and the Chairperson of the relevant Standing Committee, requests received in respect of potentially controversial events and activities in such facilities, where there is not sufficient time for Council approval to be obtained, subject to a report being taken to Committee as soon as possible thereafter.
- 3.4.7 Granting Wayleaves to Statutory bodies and Utility providers which have powers to enter lands for the purpose of providing services.
- 3.4.8 Granting temporary licenses for the use of Council facilities for the purpose of events/car parking or other temporary uses on appropriate commercial terms, subject to consultation with the Head of Estates and Asset Management.
- 3.4.9 Requiring persons to leave Council property under the Public Order (NI) 1987 Articles 7 [Part II], 18, 19, 20, 21, 22 and 23 [Part IV].

3.5 Human Resources

- 3.5.1 Employee changes that result in an increase in the approved employee establishment and budget for a Department and / or which affect any changes to posts at (Head of Department level) and above shall be subject to approval by Council. All other amendments to meet the needs of the service can be undertaken in line with all approved policies, procedures and plans.
- 3.5.2 Approving the use of agency resources to address service needs in line with all approved policies, procedures and plans.
- 3.5.3 Agreeing to an overlap period for the appointment of employees provided that this can be accommodated within budget.
- 3.5.4 Implementation of nationally or locally agreed changes to Terms and Conditions for employment.
- 3.5.5 Granting paid special leave to an employee in exceptional circumstances, and approving other paid or unpaid leave of absence in line with all approved policies, procedures and plans.
- 3.5.6 Authorising any employees to attend training and development events, technical visits and courses, including conferences, exhibitions, workshops and seminars and meetings of appropriate professional associations in Northern Ireland, the Republic of Ireland and Great Britain, provided there is no increase in the approved budget. Attendance at events in mainland Europe and further afield to be subject to Committee approval.

3.6 Procurement

The exercise of delegated powers in respect of this area is subject to consultation with the Procurement Manager when required and in accordance with, the procurement policy and all relevant Council policies.

- 3.6.1** Procuring goods, services or works under the statutory limit of £30,000 where the procurement -
- is in relation to matters of a routine or recurring nature; or
 - is in relation to the operational requirements of the Department
 - is included in an agreed Council plan.
 - Is in accordance with the Councils financial regulations and procurement policies and approved framework for the use of consultants
- 3.6.2** Authorising the completion of a contract for the procurement of goods, services or works over the statutory limit of £30,000, following a tender exercise, which has been awarded in accordance with the Councils Financial Regulations and procurement policies
- 3.6.3** Terminating a contract awarded by the Council where the contractor is in breach of contract and unable or unwilling to proceed therewith, subject to following the Council's procurement procedures.
- 3.6.4** Taking action to ensure contract compliance and negotiating claims and contract variations in accordance with the Councils financial regulations.
- 3.6.5** Signing maintenance agreements subsequent to capital acquisitions agreed by the Council, subject to consultation with Council appointed solicitor.
- 3.6.6** Making arrangements for the supply of goods and services pursuant to Section 105 of the Local Government Act (Northern Ireland) 1972.
- 3.7** **Small grants**
- 3.7.1** Approving the allocation of small grants in line with the award criteria, where Council has established and or administers a scheme and has authorised the Strategic Director to manage its implementation, subject to regular reporting to the relevant committee.

4. SPECIFIC DELEGATED FUNCTIONS

The following specific functions are delegated to the specified officers below:

4.1 **Chief Executive**

All the delegations listed below shall be exercised in accordance with relevant legislation, Council regulations, policies and budgets.

Furthermore, the Chief Executive shall also have authority to authorise any officer to act on behalf of any other officer in order to discharge the delegated powers as authorised in this Scheme.

- 4.1.1** Discharging all functions and responsibilities in terms of all relevant legislation and regulations, and within policy and agreed budgets, for the following functional/directorate areas:
- Position
 - Place
 - People
 - Performance
- 4.1.2** Undertaking all matters ensuring the professional management of the Council.
- 4.1.3** Authorised as the Deputy Returning Officer for the Armagh City, Banbridge and Craigavon Borough Council area to discharge all functions and responsibilities granted to the post holder by The Electoral Office for Northern Ireland, for the purposes of the smooth and efficient operation of Local Council Elections.
- 4.1.4** Making arrangements for the admission of the public and press to meetings of Council in accordance with The Local Government (Northern Ireland) Act 2014.
- 4.1.5** Settling, in consultation with the Lord Mayor, Party Group Leaders and Head of Department: Governance and Democratic Services, any points requiring interpretation or clarification in the practical application of this Scheme.
- 4.1.6** In consultation with the relevant statutory agencies agreeing to involve outside agencies in matters of fraud.
- 4.1.7** Authorising the obtaining of communications data, by way of applications under the Regulation of Investigatory Powers Act 2000 which have been assessed and verified by the Single Point of Contact (SPoC).
- 4.1.8** Invoking and making whatever arrangements are necessary for action under the Council's Emergency Plan.
- 4.1.9** Where appropriate defending all claims made, or legal proceedings instituted against the Council including initiating mediation, compromising or settling (based on professional and legal advice) as appears necessary or desirable in the best interests of the Council. Updates will be provided to Council on major corporate legal matters as required.
- 4.1.10** Requiring any officer of the Council to refer a matter to Committee and or/or Council even in the instances where the officer may have delegated authority to deal with the matter
- 4.1.11** Issuing a direction, as he or she considers appropriate, that any officer shall not exercise a delegated function

4.2 Position

The Strategic Director (and in designated service areas the relevant Head of Department) are authorised to discharge the following functions and responsibilities in accordance with relevant legislation, Council regulations, policies and budgets.

- Planning (separate scheme)
- Community/ Corporate Planning (no delegated functions at present)
- Building Control
- Estates and Asset Management

4.2.1 Building Control

The functions listed below are in relation to building control, energy performance of building regulations dangerous structures legislation and Safety of Sports Grounds legislation for which the Council has statutory responsibility -

- Enforcing all regulations, fees, orders and bye-laws made under the said legislation. Power to grant and issue Building Regulation approvals/rejections.
- Exercising all powers in relation to the issue (but not refusal) of permits and licences
- In consultation with the appropriate Legal Advisor instituting legal proceedings and making legal applications on behalf of the Council.
- Issue Notices of No Effect, where plans deposited in accordance with Building Regulations Order have not commenced within 3 years of the deposit of the plans.
- Vary or revoke Certificate(s) for types of building (type Approval) and publish notices that a type Approval Certificate is to be varied or revoked.
- Authorise officers to exercise the powers to enforce the Energy Performance of Buildings Regulations.
- Serve notice on the owner of ruinous/dangerous buildings to either take down, repair or make safe the building to protect people passing and occupiers of neighbouring properties.
- Serve notice on the owner of dangerous buildings, walls, structures etc. to repair, remove, protect or enclose the work to protect people using the street or a public footpath.
- Issuing property certificates.

4.2.2 Estates and Asset Management

The functions listed below are in relation to Estates and Asset Management legislation for which the Council has statutory responsibility -

- Implement the policies, procedures, guidelines and protocol relating to the Council's Asset Management Strategy and its portfolio of estates
- Varying the opening times of, or restricting access to, or closing such assets in special circumstances (for example to permit maintenance or other operational reasons) in consultation with the Chairman of the relevant Committee
- In consultation with the appropriate Legal Advisor instituting legal proceedings where there is understood to be a breach of a contract

- Taking action to ensure that car parks are operated as efficiently and as effectively as possible in line with Off Street Car Parking Orders
- Making orders for the use of any parking place for temporary alternative use
- Making orders for the suspension of the use of a parking place or any part of it for specified occasions or circumstances
- Appointing and authorising such persons as may be necessary for the supervision of parking spaces
- Renewal of Leases and instructing the Council's Valuer to undertake reviews in respect of leases and rents
- Where a framework agreement has been entered into by Council, signing order forms and call off terms and conditions for the appointment of professional services in construction and premises.

4.3 Performance

The Strategic Director (and in designated service areas the relevant Head of Department) are authorised to discharge the following functions and responsibilities in accordance with Council policies, budgets and within the parameters of all relevant legislation and guidance in the following areas –

- Finance, ICT, and Procurement
- Governance and democratic services (no delegated functions at present)
- Human Resources and Organisational Development
- Performance and Audit (no delegated functions at present)

4.3.1 Finance

The functions listed below are in relation to financial, ICT and procurement legislation for which the Council has statutory responsibility -

- Making safe and efficient arrangements for proper administration of financial affairs pursuant to section 1 of the Local Government Finance Act (Northern Ireland) 2011
- Writing off any loss of money (including bad debts) and loss of stores and obsolete equipment and materials in accordance with the limits outlined in the Financial Regulations
- Making safe and efficient arrangements for the receipt and payment of all money by the Council
- The administration of the Prudential Code and the Councils Treasury Management policy including undertaking borrowing, investment activities and daily banking transactions within the delegated limits approved by the Council each year

- In exceptional circumstances for Members of Council and employees attending conferences etc. outside the United Kingdom, reimbursing expenses on an actual cost basis, subject to the submission of vouchers or receipts
- Taking all necessary action to procure goods and services or works subject to compliance with the Council's Standing Orders, Financial Regulations and Procurement Guidelines and that, where necessary, the appropriate Committee is kept fully advised by way of regular reporting
- Authorising the completion of a contract for the procurement of goods, services or works following a tender exercise, where the Council has approved the invitation to tender and the award of the contract is made in accordance with the predetermined award criteria
- Making payment of expense claims to Council officers, elected members in line with approved procedures.

4.3.2 Human Resources

The functions listed below are in relation to Human Resources legislation for which the Council has statutory responsibility -

- Allowing or disallowing all requests for leave of any kind in accordance with the Schemes of Conditions of Service adopted by Council and granting paid special leave to an employee in exceptional circumstances, and approving other paid or unpaid leave of absence subject to all relevant Council policies
- Taking action, including terminating or varying contracts of employment in respect of employees in accordance with all relevant Council policies following consultation with the Head of Human Resources and Organisational Development
- Determining the grading of posts
- Organising staff conferences and recognition events
- Determining essential and casual car user status for Council employees
- Determine requests for early and flexible retirement in consultation with the Chief Executive or relevant Strategic Director

4.4 People

The Strategic Director (and in designated service areas the relevant Head of Department) is authorised to discharge the following functions in accordance with relevant legislation, Council regulations, policies and budgets.

- Environmental Health
- Health and Recreation
- Environmental Services (no specific delegated functions at present)

- Community Development (no specific delegated functions at present)

4.4.1 Environmental Health

The functions listed below are in relation to all environmental health and public protection legislation for which the Council has statutory responsibility:

- Enforcing all regulations, orders and bye-laws made under the said legislation
- Issuing and serving certificates and notices
- Exercising all powers in relation to the issue (but not refusal) of permits and licences
- Granting, withdrawing, suspending and refusing authorisations, approvals and consents and rejecting plans
- Effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers
- In consultation with the appropriate Legal Advisor instituting legal proceedings and making legal applications including objections on behalf of the Council
- Authorising persons and officers pursuant to the relevant legislation for the purpose of exercising any statutory power
- Executing works where the responsible person is in default of compliance with any notice and in an emergency where empowered by statute and recovering costs
- Generally enforcing all other statutory powers conferred on the Council
- Exercising powers under article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 in relation to the removal or obliteration of graffiti placards or posters and power to serve a notice to effect its removal (Article 30)
- Agreeing any transfer or assignment of enforcement responsibility under Regulation 7 and Regulation 8 (1) of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999.

4.4.2 Health and Recreation

The functions listed below are in relation to all health and recreation services legislation including natural heritage and biodiversity for which the Council has statutory responsibility.

- Applying the approved schedule of charges to all leisure facilities and apply discounted prices for leisure services and facilities when these are considered appropriate to meet market conditions
- Enforcing all bye laws and regulations in relation to parks and open spaces
- Protecting public rights of way and generally enforcing the Access to the Countryside (Northern Ireland Order) 1983
- Conserve and enhance biodiversity (the biodiversity duty)

- Ensure the implementation of the Habitats Regulations Assessment for European Designated and RAMSAR (wetlands) sites
- Designating local nature reserves in line with all approved policies, procedures and plans.

4.5 Place

The Strategic Director (and in designated service areas the relevant Head of Department) is authorised to discharge the following functions in accordance with relevant legislation Council regulations, Council policies, budgets and within the parameters of all relevant legislation and guidance in the following areas -

- Economic development
- Tourism, Arts and Culture
- Regeneration

4.5.1 Economic Development

The functions listed below are in relation to all economic development legislation for which the Council has statutory responsibility:

- Attendance at events and conferences to enable, with key partners, the development of overseas contacts for business, investment and economic development purposes.

4.5.2 Tourism Arts and Culture

The functions listed below are in relation to tourism, arts and cultural legislation for which the Council has statutory responsibility:

- Entering into arrangements or contracts beneficial to the operation of facilities including advertising, events, sponsorship and marketing
- Apply discounted prices for services and facilities when these are considered appropriate to meet market conditions
- Implementation of the Tourism Strategy Action Plan and Arts and Cultural Framework plans.

4.5.3 Regeneration

The functions listed below are in relation to regeneration legislation for which the Council has Statutory responsibility:

- Attendance at events and conferences to attract and secure investment to aid the development and regeneration of the Borough
- Working in partnership with the Department of Communities to deliver approved public realm projects and regeneration schemes

APPENDIX I - SECTION 7 THE LOCAL GOVERNMENT (NI) ACT (2014)

Arrangements for discharge of functions of Council.

7. (1) A Council may arrange for the discharge of any of its functions -

- (a) by a committee, a sub-committee or an officer of the Council; or
- (b) by any other Council.

(2) Subsection (1) is subject to any express provision contained in this Act or any Act passed after this Act.

(3) A Council's functions with respect to:

- (a) making a district rate under the Rates (Northern Ireland) Order 1977;
- (b) making a determination under section 13(1) of the Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined under that subsection;
- (c) borrowing money; and
- (d) acquiring or disposing of land, may only be discharged by the Council itself.

(4) Where by virtue of this section any functions of a Council may be discharged by a committee of the Council, the committee may arrange for the discharge of any of those functions by:

- (a) a sub-committee; or
- (b) an officer of the Council.

(5) Subsection (4) is subject to any contrary direction by the Council.

(6) Where by virtue of this section any functions of a Council may be discharged by a sub-committee of the Council, the sub-committee may arrange for the discharge of any of those functions by an officer of the Council.

(7) Subsection (6) is subject to any contrary direction by the Council or the committee.

-
- Chief Executive
 - Strategic Director of Position
 - Strategic Director of Place
 - Strategic Director of People
 - Strategic Director of Performance
-
- Head of Community Planning
 - Head of Planning
 - Head of Building Control
 - Head of Estates and Asset Management
 - Head of Economic Development
 - Head of Tourism Arts and Culture
 - Head of Regeneration
 - Head of Environmental Health
 - Head of Environmental Services
 - Head of Health and Recreation
 - Head of Community Development
 - Head of Finance, Procurement and ICT
 - Head of Governance and Democratic Services
 - Head of Human Resources and Organisational Development
 - Head of Performance and Audit

APPENDIX III - LEGISLATIVE PROVISIONS

Note these are the principal legislative provisions under which the Council derives its functions. The provisions listed are not exhaustive and responsibility for relevant legislation not expressly referred to will also delegate to the relevant Officers.

POSITION

Building Control

The Building Regulations (Northern Ireland) Order 1973
The Building Regulations (Northern Ireland) Order 1977
The Building Regulations (Northern Ireland) Order 1979 (as amended)
The Building Regulations (Northern Ireland) 1990 (as amended)
The Building Regulations (Northern Ireland) 1994 (as amended)
The Building Regulations (Northern Ireland) 2000 (as amended)
The Building Regulations (Northern Ireland) 2012 (as amended)
The Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (as amended)
The Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013 (as amended)
Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (as amended)
The Towns Improvement (Ireland) Act 1854, Section 39
The Towns Improvement Clauses Act 1947
The Public Health Acts Amendments 1907, Section 30
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

Estates and Asset Management

Facility, Maintenance and Contract Management

- Fire Safety Regulations (NI) 2010
- Disability Discrimination Act 1995
- Control of Asbestos Regulations (CAR) 2012
- The Health and Safety at Work (NI) Order
- The Management of Health and Safety at Work Regulations (NI)
- The Control of Substances Hazardous to Health Regulations (NI)
- The Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) Regulations (NI)
- The Notification of Cooling Towers & Evaporative Condenser Regulations (NI)
- The Control of Legionella bacteria in Water Systems – Approved Code of Practice and Guidance L8.
- Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008
- The Construction (Design and Management) Regulations (Northern Ireland) 2016

Land and Property Acquisition and Disposal

- Local Government Act (Northern Ireland) 1972, Sections 95 and 96
- The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002, Section 8
- Local Government Act (Northern Ireland) 2014.

Off-Street Parking

- The Road Traffic Regulation (NI) Order 1997
- The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010
- The Roads (Northern Ireland) Order 1993
- The Road Traffic Regulation (Northern Ireland) Order 1997

Together with any other relevant legislation which may be introduced.

PEOPLE

Environmental Health

All current regulations as listed in the current legislative list maintained in the environmental health services ISO 9001 under the functions of:-

- Animal Welfare
- Clean Neighbourhoods
- Consumer Protection
- Dog Control
- Emergency Planning
- Environmental Protection
- Food Control & Infectious Diseases
- Health and Safety
- Licensing and Regulatory Services
- Public Health & Housing
- Tobacco Control

Health and Recreation I including Natural Heritage and Biodiversity

- The Recreation and Youth Service (NI) Order 1986 Article 10
- The Nature Conservation and Amenity Lands (NI) Order 1985
- The Registration of Clubs (Northern Ireland) 1987
- The Conservation (Nature Habitats etc.) Regulations (Northern Ireland) 1995
- The Wildlife (Northern Ireland) Order 1985
- Wildlife and Natural Environment Act (Northern Ireland) 2011

PLACE

Tourism and Culture

- The Museums (Northern Ireland) Order 1981
- The Tourism (Northern Ireland) Order 1992 article 30(3)