

Officer Decision
Taken under the Scheme of Delegation

This decision has been taken in accordance with the county council's Scheme of Delegation to Officers, as set out in section 9 of the [Constitution](#).

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| Decision taken on behalf of the: | Director of Law and Governance |
| Officer taking the decision: | Heloise MacAndrew, Director of Law and Governance, 01772 534195, heloise.macandrew@lancashire.gov.uk |
| Service Area: | Law and Governance |

Key Details

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| Updates to the Constitution | |
| Decision Date: | 1 April 2024 |
| Part I or Part II: | Part I |
| Reason for Part II: (if applicable) | N/A |
| Divisions Affected: | N/A; |

The Decision

| Background | | |
|--|--------------------------|-------------------------------------|
| This is a decision to make changes, to correct minor errors and resolve inconsistencies, to the Constitution. | | |
| | Yes | No |
| Is this a decision made under a specific delegation from Full Council, Cabinet or another committee? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If so, does this discharge the delegation in full? | <input type="checkbox"/> | <input type="checkbox"/> |
| Did the delegation require you to consult with a Cabinet Member(s) or specific officer(s) prior to taking the decision? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If so, specify the names of the Cabinet Member(s)/officer(s) you have consulted with: | | |
| N/A | | |



The Decision

Heloise MacAndrew, Director of Law and Governance, took a decision to make the following changes to the Council's Constitution with effect from 1 April 2024, to correct errors and resolve inconsistencies:

- i) For clarification to amend references to the "Executive Leader" to "Leader" where it refers to the arrangements in Lancashire. The term "Executive Leader" remains where it refers to the statutory role.
- ii) For accuracy to amend references from electoral "wards" to electoral "divisions".
- iii) For accuracy to remove from the list of Proper Officers, under the Local Government Act 1972: "The officer responsible for certifying or obtaining a certificate of 'Best Consideration' on the disposal of land and property."
- iv) For accuracy to remove from the list of Proper Officers, under the Control of Pollution (Amendment) Act 1989: "The authorised officer to seize a vehicle or its contents in relation to the performance functions under the Act" As this is a district function.
- v) For accuracy to update, in the list of Proper Officers, the legislative references and officer responsibilities relating to the Regulation of Investigatory Powers.
- vi) For accuracy to amend, in the list of Proper Officers, the officer responsible for functions under the Registration Service Act 1953 and Regulations 1968-1994 to be the Libraries, Culture and Registration Services Manager.
- vii) Due to a duplication, to remove from the Scheme of Delegation to Officers table of responsibilities (section 9.52) the matter reserved to the Director of Law and Governance: "Affixing and attesting of the common seal."
- viii) In order to provide clarification, to add to the Procurement Rules paragraph 12.6.3 that, notwithstanding the provisions of 12.5, any contract that meets the following criteria must be made under seal: "Any agreement with a value in excess of the Key Decision threshold unless the requirement is waived (as agreed by Legal Services and recorded in the Scheme of Delegation database)."
- ix) To amend some references to the Standing Orders throughout Section 10 so that cross-references are correct.

Were any other options considered and, if so, what were they and why were they discounted?

N/A



Background Papers

None

Declaration

| | | Yes | N/A |
|--|--------------------------------|--------------------------|-------------------------------------|
| In taking this decision, I confirm that I have taken into consideration and kept a record of all relevant advice from the following services: N/A | | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Where appropriate, consultation with the relevant Cabinet Member(s) has been completed. | | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Where appropriate and where the decision impacts on a particular locality, the relevant councillor(s) for the electoral division(s) have been consulted. | | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Decision taken on behalf of the: | Director of Law and Governance | | |
| Officer taking the decision: | Director of Law and Governance | | |

