
TO THE CORPORATE DIRECTOR OF PLACE & COMMUNITY

A. ENVIRONMENTAL SERVICES

(i) Waste & Fleet Services

1. To enter into productivity or similar agreements with the workforce and their representatives.
2. To seek quotation/tenders and to place orders for the supply of goods or materials or for the execution of work .
3. To dispose of surplus plant, machinery, equipment or man hours in accordance with Financial Regulations.
4. To agree charges at which services may be made available to Council Services or appropriate outside bodies.
5. To submit tenders and estimates for work to be carried out by Contracting Services and persons acting on its behalf.
6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report back in the appropriate Members' Update.
7. To prepare and approve with the relevant Portfolio Holder, the Vehicle Replacement Programme (following an evaluation of the business and service needs prevailing at the time), subject to details of the approved Programme being circulated to Members via an appropriate Members' Update, and in this respect to invite Tenders and to accept the lowest most suitable tenders for the purchase of vehicles detailed in the Programme.
8. To maintain all accounting procedures and records as determined in consultation with the Head Finance, Procurement & Commercial Services and prepare accounting information at the end of each financial year in accordance with the requirements specified by law, or by the Council.
9. To carry out work which has been previously won under compulsory competitive tendering or best value such as refuse collection and street cleansing together with anything incidental thereto.
10. To serve Notices and to take all necessary action under the Refuse Disposal (Amenity) Act, 1978, and Road Traffic Regulation Act 1984, in connection with the removal of abandoned vehicles.
11. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.

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12. To develop and implement a range of appropriate education, promotion and enforcement practices in order to raise recycling levels and deal with litter issues.
 13. In consultation with the relevant Portfolio Holder, to implement the single standard service for the collection of bulky household waste.
 14.
 - (a) To appoint authorised officers for the purpose of Schedule 4 to the Environmental Protection Act 1990 in respect of Abandoned Shopping and Luggage Trolleys.
 - (b) To increase the fee for returning shopping trolleys impounded under the provisions of Schedule 4 to the Environment Protection Act 1990 in line with inflation.
 15. To administer the agency for highway functions in accordance with the Public Realm Agreement and the guidelines and codes of practice set out by Lancashire County Council.
 16. To exercise the powers of the Street Authority under the New Roads and Street Works Act 1991 within the prescribed areas.
 17. To enter all appropriate Waste Management Cost Sharing Agreements with the Disposal Authority together with all related documents including Deeds of Extension and Variation, in consultation with the Portfolio Holder.

(ii) Cemeteries

1. To grant exclusive right of burial in the Council's cemeteries.
2. To determine all applications for the erection of headstones in the Council's cemeteries.

(iii) Technical Services

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
 - (a) Section 15 - To survey land to be acquired compulsorily with power to authorise persons to carry out the same.
 - (b) Section 16 - To serve Notices to obtain particulars of persons interested in land and to take all necessary action in respect thereof.
 - (c) Section 23 - To take all necessary action when a Notice to deal with dangerous trees is served on the Council under this section.
 - (d) Section 24 - To serve Notices to make safe dangerous trees
 - (e) Section 25 - To serve Notices with respect to dangerous excavations.

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- (f) Section 26 - To authorise persons to enter onto land.
2. To accept donations for the provision of seating or trees.
 3. To serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs within the Ormskirk Town Centre Conservation Area after consultation with the Head of Legal & Democratic Services.
 4. To exercise the powers of the Street Authority under the New Roads and Street Works Act, 1991 and the Traffic Management Act 2004, within the prescribed area.
 5. To deal with matters arising from day to day operation of Borough Council markets and to deal with any lost property within the markets.
 6. To deal with urgent repairs in private streets within the urban core under Section 230 of the Highways Act, 1980.
 7. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.
 8. To deal with applications for the use of Council owned sites in Ormskirk Town Centre for business or promotional purposes.
 9. To administer the agency for highway functions in accordance with the Street Services Agreement and the guidelines and codes of practice set out by the Lancashire County Council.
 10. To administer the relevant sections of the Highways Act 1980 and any Act or Acts extending or amending the same or incorporating the same therein; including the serving of notices, the issuing of licences, enforcement, the laying of informations and complaints to the Magistrates Courts and the carrying out of any work in default including recovery of the costs.
 11. The power to examine and test drains and other apparatus believed to be defective.
 12. To erect street nameplates under Section 19 Public Health Act 1925.
 13. To serve notices under the Public Health Act 1936 concerning the culverting of watercourses.
 14. To exercise the powers within the Land Drainage Act 1991.
 15. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984.
 - (a) To arrange for the affixing of traffic signs to buildings or structures in or fronting to or constructed over roads under Section 11.
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- (b) To apportion charges for the cleansing or repair of private sewers under Section 22.
 - (c) To recover the cost of making good damage to grass verges on footways under Section 12.
16. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
 17. To receive notices in respect of and authorisation of reinstatement works under the New Roads and Street Works Act 1991.
 18. To consent to the holding of car boot sales on land not owned by the Council subject to the agreed criteria.
 19. To adopt highways etc. which are subject to an Agreement under Section 38 of the Highways Act, 1980 with effect from the issue of the Final Certificate or those which are not subject to such Agreements subject to satisfactory condition and capacity.
 20. To respond to the County Council's road safety programme subject to reporting any major changes of County Council policy to the Executive.
 21. To adopt highways constructed by or on behalf of the Council.
 22. To adopt footpaths constructed under the provisions of Section 37 of the Highways Act 1980.
 23. In cases where a developer defaults in his obligations and commitments to maintain a highway, pursuant to Agreements under Section 38 of the Highways Act 1980, to take all appropriate action, including the invitation of tenders and the acceptance of the lowest tender, to secure completion of works specified in the appropriate Agreement provided the cost of such works can be funded either by the bond in its entirety or, in cases where the bond is insufficient, by contributions from Lancashire County Council.
 24. To determine the making of Orders under the provisions of the Road Traffic Regulation Act 1984 to provide designated disabled parking bays, subject to the applicant meeting the Lancashire County Council criteria.
 25. To determine the making of Traffic Regulation Orders pursuant to the provisions contained in the Road Traffic Regulation Act 1984 following consultation with the appropriate portfolio holder and the ward councillors and to introduce such orders in the event of there being no outstanding objection or objections to the proposals.
 26. In consultation with the Chairman of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the

Highways Act 1980 and the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to make the corresponding Order.

27. In consultation with the Chairman of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Highways Act 1980 and Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to thereafter make the appropriate Order or application as the case may be.
 28. In consultation with the relevant Portfolio Holder and relevant Ward Members to respond on behalf of the Council, to consultations from Lancashire County Council in respect of highway and public rights of way matters.
 29. To make Orders to prevent obstructions in streets during public processions etc., under Section 21 of the Town Police Clauses Act 1847.
- (iv) Arboricultural Services
- **1. To deal with and determine applications for consent for works to trees the subject of Tree Preservation Orders, or lying within designated conservation areas.
 2. To authorise the Head of Legal & Democratic Services to make, vary and revoke Tree Preservation Orders, including, where appropriate, a direction under Section 201 of the Town and Country Planning Act 1990 and to confirm Orders where no valid objections are received.
 3. To exercise the Council's power and duties for making observations on consultation requests submitted to it by the Lancashire County Council, the Forestry Commission, or other parties for applications for felling licences under the Forestry Act, 1967.
 4. Under the relevant sections of the Anti-Social Behaviour Act 2003 to:-
 - instruct the Head of Legal & Democratic Services to issue and serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70.
 - take all necessary action in respect of appeals made under Section 71.
 - authorise persons to enter land for the purposes of Sections 74 and 77.
 - prosecute for offences, including the laying of informations, under Section 75 and 77, and
 - take all necessary action to recover expenses under the provisions of Section 77.
 - carry out the functions of Part 8 of the Act – High Hedges and the associated regulations.
 5. In consultation with the relevant Portfolio Holder to implement the West Lancashire Free Tree Scheme, subject to finance being made available in the Capital Programme.

6. To accept donations for the provision of seating or trees.
7. To manage, publish and set fees for entries on the Council's Tree Contractor List.
8. To implement future changes in the fees for high hedge applications in line with the Fees and Charges Policy.

(v) **Environmental Strategy (Climate Change)**

1. In consultation with the relevant Portfolio Holders develop an Assistance Package for private owners to enable them to be part of a comprehensive Energy Efficiency Scheme

B. REGULATORY SERVICES

(i) Corporate Health and Safety

1. To update the Corporate and Community Services Enforcement Policies, in consultation with the relevant Portfolio Holder, in accordance with any new or revised government legislation or Statutory Guidance and in this respect any wholesale changes in guidance or legislation resulting in major changes to the policy to be brought back for approval (Cabinet/Council as appropriate).
2. To produce and update all the Council's Health and Safety Policies and procedures in the line with current legislation and best practice, in consultation with the relevant Portfolio Holder.
3. To implement, publish and keep under review the Safeguarding Policy 2019, to update the Safeguarding Policy 2019 as necessary and to nominate an officer as the Designated Safeguarding Officer.
4. In consultation with the relevant Portfolio Holder, to progress and (as appropriate) confirm the Council's membership of the Integrated Community Partnership/Multi Speciality Community Provider (ICP/MCP) and to prove future updates at relevant stages of the partnership development process.

(ii) Public Health

1. To administer relevant provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay information and complaints to Court in respect of offences in appropriate cases, under the following enactments and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the said Act or Acts.
 - Open Spaces Act 1906
 - Dogs Act 1906
 - Public Health Acts 1936 and 1961

- Prevention of Damage by Pests Act 1949
 - Pet Animals Act 1951
 - Zoo Licensing Act 1951
 - Animal Welfare Act 2006
 - Performing Animals (Regulation) Act 1925
 - Animal Boarding Establishments Act 1963
 - Riding Establishments Act 1964
 - Home Safety Act 1961
 - Agriculture (Miscellaneous Provisions) Act 1968
 - Late Night Refreshment Houses Act 1969
 - Local Government Act 1972
 - Control of Pollution Act 1974
 - Health and Safety at Work etc., Act 1974
 - Slaughterhouse Act 1974
 - Guard Dogs Act 1975
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Building Act 1984
 - County of Lancashire Act 1984
 - Public Health (Control of Diseases) Act 1984
 - Food and Environment Protection Act 1985
 - Environmental Protection Act 1990
 - Food Safety Act 1990
 - Breeding of Dogs Act 1991
 - Dangerous Dogs Act 1991
 - Clean Air Act 1993
 - Noise and Statutory Nuisance Act 1993
 - Sunday Trading Act 1994
 - Environment Act 1995
 - Noise Act 1996
 - Clean Neighbourhood and Environment Act 2005
 - Sunbeds (Regulation) Act 2010
 - Water Industry Act 1991
 - Water Act 2002
 - The Dogs Act 1871
 - The Dangerous Dogs Act 1989
 - Control of Dogs Order 1992
2. To undertake the following registration and licensing functions under the relevant enactment and Regulations including the setting and periodic review of licence fees, and the laying of information and complaints to a Court in respect of legal proceedings in relation to:
- Acupuncture, tattooing, ear-piercing and electrolysis
 - Animal Boarding Establishments
 - Breeding of Dogs
 - Dangerous Wild Animals
 - Selling of animals as pets

- Hiring out of horses
 - Keeping or training animals for exhibition
 - Food and Food Premises
 - Game
 - Guard Dogs
 - Knackers Yard Licences
 - Late Night Refreshment Houses
 - Pet Animals
 - Rag, Flock and Other Filling Materials
 - Riding Establishments
 - Scrap Metal Dealers
 - Sunday Trading
 - Zoos
 - Sunbeds
3. To appoint officers, where appropriate, as authorised officers or Inspectors and to authorise officers to sign documents and to enter land/premises in connection with their duties under the following enactments or re-enactment thereof:
- Public Health Act 1936 and 1961
 - Prevention of Damage by Pests Act 1949
 - Pet Animals Act 1951
 - Rag, Flock and Other Filling Materials Act 1951
 - Agriculture (Safety, Health and Welfare Provisions) Act 1956
 - Factories Act 1961
 - Animal Boarding Establishments Act 1963
 - Riding Establishments Acts 1964 and 1970
 - Scrap Metal Dealers Act 1964
 - Breeding of Dogs Act 1973
 - Control of Pollution Act 1974
 - Health and Safety at work etc., Act 1974
 - Slaughterhouses Act 1974
 - Dangerous Wild Animals Act 1976
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Building Act 1984
 - County of Lancashire Act 1984
 - Public Health (Control of Diseases) Act 1984
 - Food and Environment Protection Act 1985
 - Environmental Protection Act 1990
 - Food Safety Act 1990
 - Breeding of Dogs Act 1991
 - Dangerous Dogs Act 1991
 - Clean Air Act 1993
 - Noise and Statutory Nuisance Act, 1993
 - Sunday Trading Act 1994
 - Noise Act 1996

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- Clean Neighbourhoods and Environment Act 2005
 - Sunbeds (Regulation) Act 2010
 - Water Industry Act 1991
 - Water Act 2003
 - The Animal Welfare Act 2006
4. To appoint persons under Part 1 of the Health Act 2006, insofar as it relates to smoke free matters and to administer the relevant provisions of the Act and all relevant legislation.
 5. To arrange for the disposal of all unfit foodstuffs and procuring of samples.
 6. In consultation with the relevant Portfolio Holder to approve the Food Safety Service Plan.
 7. (a) To appoint officers as Inspectors under Section 19(1) of the Health and Safety at Work etc., Act 1974.

(b) To authorise officers so appointed, to exercise, insofar as they relate to the functions of the Council the powers of an Inspector specified in:
 - (i) Sections 20, 21, 22 and 25 of the Health and Safety at Work etc., Act 1974.
 - (ii) Any Health and Safety Regulations, and
 - (iii) The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the Third Column of that Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provision so specified as may be in force from time to time.
 8. To authorise competent persons to accompany Inspectors on visits under the Health and Safety at Work etc., Act 1974 in an advisory capacity.
 9. To undertake “transfers of responsibility” under Regulation 5 and “assignments in cases of uncertainty” under Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
 10. To authorise the service of notices requiring information as to the ownership of land/premises.
 11. To authorise officers under Section 39 of the Local Government Act 1988.
 12. To appoint officers as “authorised officers” for the purposes of the Environmental Protection Act 1990 and in particular to appoint Inspectors under Section 16(6) of the Act for the purposes of Part I of the Act and to authorise such officers to sign documents that are given, made or issued under the Act.
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13. To appoint offices as “authorised persons” under the European Communities Act 1972, insofar as it relates to food safety matters and to administer the appropriate provisions of all relevant subordinate legislation.
 14. To determine, after consultation with the Head of Legal & Democratic Services whether or not to prosecute persons contravening legislation relating to dogs or other animals
 15. To make arrangements for the seizure of animals, and subsequent action in cases of emergency under the Dangerous Wild Animals Act 1976.
 16. To authorise a Veterinary Surgeon, or Veterinary Practitioner, or such other person as he deems competent, to inspect any premises where any animal is, or may be held, in pursuance of a Licence which has been applied for, or granted, under the Dangerous Wild Animals Act 1976.
 17. To vary Licence Conditions, to allow removal of any animal that is to be kept at premises outside the Borough for more than 72 hours, under the Dangerous Wild Animals Act 1976.
 18. To consult with the Secretary of State and other persons necessary to formulate an inspection team and appoint Inspectors on behalf of the Council under the Zoo Licensing Act 1981.
 19. To determine applications for the approval of chimney heights, submitted under Section 15 of the Clean Air Act 1993.
 20. To determine applications for consent, in relation to construction sites under the Control of Pollution Act 1974, in accordance with BS 5228.
 21. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984:
 - (a) To give notice requiring persons to take steps to reduce the emission of dust arising from any building operation, demolition or the cleansing of any building or structure under Section 16.
 - (b) To lay a complaint to a Magistrates’ Court requiring the owner of a chimney to raise its height or do other things because of the emission of gas vapour fumes or soot under the provisions of Section 17.
 22. To submit, following consultation with the relevant Portfolio holder and ward councillors, objections to the Secretary of State regarding notifications received from United Utilities that they intend to apply for permission to lower the quality of effluent discharge.
 23. To deal with the removal of persons in need of care and attention under the National Assistance Act 1948, Section 47 and National Assistance (Amendment) Act 1951

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- after consultation with the Consultant in Communicable Disease Control or any other Public Health Doctor on the Lancashire Public Health Rota acting in an emergency situation.
24. To deal with all matters relative to infectious/notifiable diseases including exclusion from work or school to prevent spread of infection, together with payment of compensation where necessary after consultation with the Consultant in Communicable Disease Control or any other Public Health Doctor on the Lancashire Public Health Rota acting in an emergency situation.
 25. To arrange for the burial and/or cremation of persons where no other person takes the responsibility.
 26. To revise the fixed element of the licence fees for Dangerous Wild Animals and riding establishments at periodic intervals in line with inflation.
 27. To review the level of charges for copies of entries in the Food Premises Register and the Environmental Protection Act Register on an annual basis.
 28. To review and update as necessary pest control charges for non-domestic work on an annual basis.
 29. To waive payment of seizure and detention charges and the prescribed fee (but not kennelling charges) on the first occasion that a particular stray dog is seized and thereafter only in exceptional circumstances, and to review the charges annually for the return of a stray dog to its owner or when the prescribed fee is revised by statute.
 30. To reduce charges for stray dog kennelling in special circumstances.
 31. To authorise officers to enter and/or remove vehicles, equipment and machinery in connection with their duties under the Noise and Statutory Nuisance Act, 1993.
 32. To regularly review the fees for animal welfare related licences and to increase those fees in line with inflation.
 33. To administer the provisions of The Clean Neighbourhood and Environment Act 2005 including any Orders made under it and in accordance with The Dog Control (Prescribed Offences and Penalties etc) Regulations 2006 and The Dog Control Order (Procedures) Regulations 2006 to authorise Officers to issue Fixed Penalty Notices under any of the Dog Control Orders and to take proceedings in the Magistrates Court.
 34. To seek a contribution from users of the "Houndogs" Scheme at £15.00 for one dog and a further £1.00 for each dog collected at the same time. Also to review and, if necessary, increase the level of this contribution in line with any increase in the cost to the Council of providing the service.
 35. In accordance with the Environmental Protection Act 1990:-
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- (a) To designate litter control areas under Section 90 and to serve street litter control notices under Section 93.
 - (b) To lay complaints in the Magistrates' Court for Orders under Section 94 removal of street litter and institute proceedings under that section for failure to comply with such Orders.
 - (c) To institute proceedings under Section 87 'offence of leaving litter.'
 - (d) Under Section 88:
 - (i) appoint authorised Officers to issue Fixed Penalty Notices for litter offences.
 - (ii) collect the Fixed Penalty Notices received and forward to Secretary of State annually.
 - (iii) conduct reviews of the notices served.
 - (iv) instruct the Head of Legal & Democratic Services to take action in relation to the non-payment of Fixed Penalty Notices.
36. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
37. To propose under the Clean Neighbourhoods and Environment Act 2005, in consultation with the Head of Legal & Democratic Services, relevant Portfolio Holder and relevant Ward Councillors:-
- the designation of all or part of the Borough as:
 - (a) An Alarm Notification Area
 - (b) An area where it is an offence to distribute free printed material without a consent
 - Amendments to Dog Control Orders and to follow the relevant procedure.
38. To administer, issue consents, set consent fees and enforce the relevant provisions under the Clean Neighbourhoods and Environment Act 2005 in relation to the distribution of free material in recognised public car parks.
39. To take any action in connection with the development and preparation of the Crime and Disorder Strategy, in consultation with relevant Portfolio Holders.
40. To appoint Officers as Inspectors under Sections 57 of the Animal Welfare Act 2006.
41. In consultation with the Head Finance, Procurement & Commercial Services and the relevant Portfolio Holder to determine what proportion of costs to be recovered from "Appropriate Persons" where remediation works are to be undertaken to contaminated land.

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42. In consultation with the relevant Portfolio Holder and in accordance with the provisions of the European Directive on Environmental Liability – The Environmental Damage (Prevention and Remediation) Regulations 2009:
 - (a) to serve any notices
 - (b) to withdraw notices, if necessary
 43. Under the European Directive on Environmental Liability, in accordance with the provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009:
 - (a) to commence legal proceedings in relation to any offence
 - (b) to recover all relevant costs and, if necessary, register a charge on the property in respect of unpaid costs
 - (c) to instruct such contractors as necessary (up to the value of £10,000) in relation to an emergency, to prevent, contain or remedy environmental damage
 - (d) following consultation with the relevant Portfolio Holders and Head of Finance, Procurement & Commercial Services, to instruct such Contractors as necessary in an emergency, to prevent, contain or remedy Environmental Damage, where the value of expected works exceeds £10,000
 44. To undertake a tender exercise and award contracts for the kennelling of stray dogs on behalf of the Council, in consultation with the relevant Portfolio Holder and, in this respect, to advertise in the local press, without compliance with Contracts Procedure Rules 8 and 9, for interested organisations to apply for inclusion on the tender list.
 45. To implement and administer the National Food Hygiene Rating Scheme.
 46. In consultation with the relevant Portfolio Holder, to approve minor changes to the Noise Management Policy that do not affect service delivery.
 47. In consultation with the relevant Portfolio Holder, to approve minor changes to the Environmental Nuisance Policy that do not affect service delivery.
 48. To take all measures to administer and enforce the provisions contained in the Microchipping of Dogs (England) Regulations 2015, including the giving of notices, taking prosecutions, responding to appeals, seizure and microchipping of dogs and recovery of costs.
 49. To make any necessary minor amendments to the Public Open Space Protection Order.
 50. In consultation with the relevant Portfolio Holder, to approve and publish any future minor updates to the Contaminated Land Strategy.
 51. To take all measures to administer and enforce the provisions contained in The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations
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2018, including but not limited to the grant, refusal, variation, suspension and/or revocation of licences, appointment and/or instruction of inspectors, appointment of a listed veterinarian, serving notices, providing information to the Secretary of State, entering premises, taking prosecutions, responding to appeals, setting fees along with the assessment and recovery of costs.

(iii) Licensing

1. To be responsible for the issue of the under mentioned licences, permits and registration functions in accordance with the established policies of the Council, subject to the proviso that where he is mindful of refusing, revoking or varying any condition or terms of existing licences/permits these shall be referred to the appropriate committee for determination:

Cinemas and Cinema Clubs	Licensing Act 2003
Gaming machines not on licensed premises	Gaming Act 2005
Hackney Carriage Vehicles And Hackney Drivers	Town Police Clauses Act 1847 (as amended), Local Government (Miscellaneous Provisions) Act 1976 Transport Act, 1985
House to House Collections	House to House Collections Act 1939 (as amended)
Hypnotism	Hypnotism Act 1952
Lotteries (Societies promoting)	Gambling Act 2005
Pleasure Boats and Boatmen	Public Health Acts (Amendment) Act 1907
Private Hire Vehicles, Operators and Drivers	Local Government (Miscellaneous Provisions) Act 1976 Transport Act 1985
Public Entertainments	Licensing Act 2003
Second Hand Goods Dealers	County of Lancashire Act 1984 Police, Factories, etc

Street Collections (Miscellaneous Provisions) Act 1916

Theatres Licensing Act 2003

2. To determine applications under the Licensing Act 2003 as follows:-

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| (a) | Application for Personal Licence | If no Police representation(s) have been made. |
| (b) | Application for Premises Licence/
Club Premises Certificate | If no relevant representation(s) have been made |
| (c) | Application for Provisional
Statement | If no relevant representation(s) have been made |
| (d) | Application to vary Premises Licence/
Club Premises Certificate | If no relevant representation(s) have been made except where (K) applies |
| (e) | Application to vary Designated
Premises Supervisor | If no relevant representation(s) have been made |
| (f) | Request to be removed as
Designated Premises Supervisor | All cases |
| (g) | Application for transfer of premises
Licence | If no Police representation(s) have been made |
| (h) | Application for Authority | If no Police representation(s) have been made |
| (i) | Decision on whether a complaint is
irrelevant, frivolous, vexatious, etc. | All cases |
| (j) | Application from a Community
Premises to remove the requirement
for Designated Premises Supervisor | If no Police representation(s) have been made |
| (k) | Application for minor variation
to Premises Licence/Club
Premises Certificate | All cases |

3. To approve advertisements on hackney carriage and private hire vehicles subject to certain restrictions relating to the advertising of tobacco, alcohol, drugs, sex, politics, betting etc.

4. To refuse the grant of hackney carriage and private hire drivers licences for the reason of failure to pass the knowledge test.

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5. To defer applications for licences, consents and permits where the applicant has legal proceedings or a Council investigation pending against them, until such time as the results of such proceedings or investigations are known.
 6. To appoint authorised officers where required for all licensing functions within the Terms of Reference of the Licensing and Appeals Committee. The Chairman to be advised of any appointment.
 7. To give notice of intention to vary the fees and charges for vehicle, driver and operator licences under Section 70 of the Local Government (Miscellaneous Provisions Act 1976).
 8. To authorise officers of neighbouring authorities to act as agents for the Council to facilitate the enforcement of taxis and private hire legislation in respect of cross-border operations pursuant to Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
 9. To refuse to renew any application for private hire or hackney carriage licences when a Criminal Record Bureau (CRB) check is required when the application for renewal is not accompanied by the appropriate CRB application form.
 10. To object to the Traffic Commissioners, to applications for the grant of Public Service Vehicles Licences in cases where he considers that there are reasons to object.
 11. To administer the Street Trading Consent Scheme, including the power to grant and renew a Street Trading Consent in accordance with the Street Trading Guidance Notes and Standard Conditions, but where he is mindful of refusing, revoking or varying a Consent, and the Consent-holder disagrees with the refusal, revocation or variation, then these be referred to the Licensing and Appeals Committee for determination.
 12. To review the annual fee for a Street Trading Consent on a regular basis to keep it in line with inflation.
 13. To prosecute for Street Trading offences under paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and to appoint authorised officers under the terms of that Act.
 14. To grant, renew, transfer or vary Sex Establishment Licences where there are no objections to the grant, renewal, transfer or variation of a licence, including taking action under paragraph 18(2)(a) and (b) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of applications for variation.
 15. To prepare, publish and consult on draft statements of Sex Establishment Licensing Policy, subject to Council approval of any subsequent changes to the policy.

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16. To make minor and inconsequential amendments to the Statement of Sex Establishment Licensing Policy.
 17. To register, renew and vary entries on the Register of Motor Salvage Operators and to notify applicants of the Council's intention to refuse applications or renewals or to cancel registrations.
 18. Under Section 5 of the Licensing Act 2003 to review the Council's Licensing Policy to prepare and consult upon all future reviews of the Policy prior to reporting to the Licensing and Gambling Committee and Council for approval and adoption of the revised Licensing Policy, and to make any minor/inconsequential amendments to the draft statement.
 19. To undertake a tender exercise and award contracts for MOT testing of private hire and hackney carriage vehicles licensed by the Council, in consultation with the relevant Portfolio Holder and, in this respect, to advertise in the local press, without compliance with Contract Procedure Rules 8 and 9, for interested organisations to apply for inclusion on the tender list.
 20. To make minor procedural changes to the Hackney Carriage and Private Hire Forum's Constitution as may be necessary in order to keep it relevant and up to date.
 21. Under the sections of the Equality Act 2010, set out below relating to Hackney Carriage and Private Hire to:
 - assess and grant applications for exemption under Section 166 (Wheelchair Exemptions)
Section 169 (Assistance Dog Exemptions in Taxi's)
Section 171 (Assistance Dog Exemptions in Private Hire Vehicles)
subject to the proviso that where he is mindful to refuse such applications these will be referred to and determined by the Licensing and Appeals Committee.
 - maintain a list of vehicles under Section 167
 - make minor/inconsequential amendments to the Council's Hackney Carriage and Private Hire Policy.
 - to issue formal cautions and to lay information and complaints in Court in respect of offences under Sections 160 to 173.
 - To publish and maintain the list of vehicles designation for the purposes of Section 165.
 22. To act on behalf of the Council as the Licensing Authority, when taking actions necessary under the Licensing Act 2003.
 23. To suspend Premises Licences and Club Premises Certificates for non-payment of annual fees in accordance with the Licensing Act 2003.

(iv) Community Safety

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1. Under Sections 19-28 of the Criminal Justice and Police Act 2001 to:-
 - serve closure notices on premises under the terms of Section 19.
 - apply for and serve closure orders on premises under the terms of Section 20 and 21.
 - serve a notice of cancellation under Section 19 and to terminate closure orders under Section 22.
 - appoint authorised persons under Section 25.
 - lay informations for prosecutions under Section 25.
 - take all necessary action to defend appeals brought under Section 24.

 2. Under the relevant Sections of the Anti-Social Behaviour Act 2003 to:-
 - prosecute for offences under Section 40(4), closure of noisy premises
 - appoint Officers to serve Penalty Notices under Section 43(1) for graffiti and fly posting
 - prosecute, as appropriate, in respect of relevant offences under Section 44(1), including the laying of informations
 - serve Graffiti Removal Notices under Section 48
 - authorise Officers to take all necessary actions to remove graffiti under Section 48(4)
 - to take all necessary action under Section 49 to recover expenditure incurred in the removal of graffiti, and
 - take all necessary action in respect of appeals under Section 51
 - To enforce the provisions which relate to Anti Social Behaviour Orders.
 - To grant consent to the authorisation of a Dispersal Order in consultation with the relevant Portfolio Holder.
 - To be the Officer consulted on any proposal to withdraw a Dispersal Order on application from Lancashire Constabulary.

 3. Under the relevant Sections of the Noise Act 1996 to:-
 - serve Warning Notices under Section 3
 - prosecute for offences where noise exceeds permitted level under Section 4 including the laying of informations.
 - authorise Officers to serve Fixed Penalty Notices under Section 8
 - authorise persons under Section 10 powers of entry and seizure

 4. To submit applications for funding, in relation to Community Safety and Social Inclusion, which the Council may be eligible for from time to time.

 5. To authorise, in consultation with the Head of Legal & Democratic Services, the release of CCTV photographic skills to the media, in specific (and appropriate) circumstances:-
 - Where the Police seek publicly to find a suspect;
 - Where the public's assistance is needed in order to assist in the identification of a victim, witness or perpetrator in relation to a criminal incident. In line with

the Code of Practice, the wishes of the victim of the incident will be taken into account.

- Where this would assist in the general prevention or reduction of crime or the fear of crime. In these circumstances, however, the stills would only be released if the images of individuals could be disguised or blurred so that individually they are not readily identifiable. An example of these 'appropriate circumstances' might be where images of drunken individuals stumbling around a town centre on a Saturday night might be released to show the proper use of Council and Police resources to combat anti-social behaviour.
6. In consultation with the Head of Legal & Democratic Services, the Leader and the relevant Portfolio Holder to authorise, amend and update the Policy for Publication of CCTV (and other) Images of Convicted Persons.
 7. To authorise promotion and enter into all necessary agreements for the use for this purpose of the CCTV facilities on behalf of all Council Services in accordance with the Policy for Publication of CCTV (and other) Images of Convicted Persons requirements.
 8. In consultation with the relevant Portfolio Holder to publish the CCTV Annual Report.
 9. In relation to the Borough Council area:
 - (a) to take all action necessary to secure an Anti-Social Behaviour Order where there are grounds to do so.
 - (b) to consult with the Chief Officer of Police in respect of applications for Anti-Social Behaviour Orders by either the Council or the Police.
 10. Under the relevant Sections of the Anti-Social Behaviour, Crime and Policing Act 2014
To instruct the Head of Legal & Democratic Services to :-
 - (i) apply for injunctions under the provision of Part 1;
 - (ii) apply for a warrant of arrest for any breaches of an injunction obtained under the provisions of Part 1;
 - (iii) apply for a variation of discharge of an injunction obtained under the provisions of Part 1;
 - (iv) apply for a committal application on any breach of an injunction;
 - (v) apply for a Criminal Behaviour Order under the provisions of Part 2, where a person is convicted of an offence following a Council led prosecution and the behaviour of the offender was such that caused or was likely to cause harassment, alarm of or distress to any person;
 - (vi) apply for a variation of discharge of a Criminal Behaviour Order obtained by the Council under the provisions of Part 2;
 - (vii) apply for a warrant to seize items used in the offence of failing to comply with a Community Protection Notice;

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- (viii) apply for an extension of a closure order for a period of closure over 48 hours of discharge of a court extended closure order;
 - (ix) apply to the Magistrates' Court for an order recovering the costs incurred to the Council in cleaning, securing and maintaining a premises subject to a closure order;
 - (x) take all necessary steps to defend the Council against any appeals against the service of a Notice under Part 4.
- 11. To consult with the relevant Youth Offending Team in respect of persons under 18 years old on the application for an injunction, criminal behaviour order or on an application to vary or discharge an existing injunction or criminal behaviour order.
 - 12. To inform and/or consult any body or individual deemed appropriate or specified in Government Guidance on the application for an injunction, criminal behaviour order or Closure Order or on an application to vary or discharge an existing injunction or criminal behaviour order.
 - 13. To request that the Crown Prosecution Service or any other prosecuting authority apply for a Criminal Behaviour Order under the provisions of Part 2 of the Anti Social Behaviour, Crime and Policing Act 2014 where a person is convicted of an offence and the behaviour of the offender was such that caused or was likely to cause harassment, alarm of or distress to any person working, residing or visiting the Borough.
 - 14. To supervise compliance on behalf of the Council with any positive requirement contained in an injunction or Criminal Behaviour Order and to promote such compliance and to inform the appropriate Chief Officer of the Police when the Defendant has fully complied or failed to comply with the positive requirements of the order.
 - 15. Under the following Sections of the Anti Social Behaviour Crime and Policing Act 2014 to issue formal cautions and to lay informations:-
 - (i) under Section 30 for a breach of a Criminal Behaviour Order obtained by the Council;
 - (ii) under Section 48 for the offence of failing to comply with a Community Protection Notice;
 - (iii) under Section 63 or 67 for failing to comply with the prohibitions imposed by a Public Spaces Protection Order;
 - (iv) Under Section 86 for remaining in or entering a premises subject to a Closure Order.
 - 16. To issue Community Protection Notices under Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.
 - 17. To enter land and premises open to the air and carry out any necessary works to ensure any failure to comply with a Community Protection Notice under Section 47 of the Anti Social Behaviour Crime and Policing Act 2014 and recover the costs of doing so.

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18. To dispose or of destroy of any item used in the commission of the offence of failing to comply with a Community Protection Notice, which a court has ordered be handed over to the Authority under Section 50 of the Anti Social Behaviour, Crime and Policing Act 2014.
 19. To issue fixed penalty notices, where he deems appropriate, for the offence of failing to comply with a Community Protection Notice or for failure to comply with a Public Space Protection Order. The fixed penalty notice be issued for the maximum amount as set by the Anti Social Behaviour, Crime and Policing Act 2014 or amended by subsequent legislation.
 20. To serve Notice to Quit, Notice to Terminate Introductory Tenancy and Notice Seeking Possession on grounds specified in Section 84A and under Grounds 1, 2, 2ZA and 2A of Schedule 2 of the Housing Act 1985 and instruct the Head of Legal & Democratic Services to and apply for possession and warrants of eviction obtained on these grounds.
 21. To issue, vary or discharge closure notices for a maximum 24 hour period under Part 4 Chapter 3 of the Anti Social Behaviour, Crime and Policing Act 2014.
 22. To designate authorised officers to carrying duties specified under Sections 51, 63 and 85 of the Anti Social Behaviour, Crime and Policing Act 2014.
 23. To issue Public Spaces Protection Orders in consultation with the Leader and Portfolio Holder, except where the Prohibitions relates to alcohol, where the Chairman of the Licensing and Gambling Committee shall be consulted.
 24. To undertake all steps necessary to comply obligations under Part 6 of the Anti Social Behaviour, Crime and Policing Act 2014 in relation to Community Remedies and consult where necessary with other statutory bodies.

(v) Gambling

1. To determine applications under the Gambling Act 2005

Application for premises licence

Where no representations received/representations have been withdrawn

Application for a variation to a licence

Where no representations received/representations have been withdrawn

Application for a transfer of a licence

Where no representations received from the Gambling Commission

Application for a provisional statement	Where no representations received/representations have been withdrawn
Application for a club gaming/club machine permits been withdrawn	Where no objections made/objections have
Applications for other permits	All cases
Cancellation of licensed premises gaming machine permits	All cases
Consideration of temporary use notice	All cases

2. Under the relevant sections of the Gambling Act 2005 to:-

- (a) make a recommendation to the Licensing and Gambling Committee to propose to attach a condition(s) to a premises licence under Section 169(1)(a).
- (b) make a recommendation to the Licensing and Gambling Committee to propose to exclude under Section 169(1)(b) a condition(s) that would otherwise be attached to a premises licence under Section 168.
- (c) attach a condition(s) to a new or existing licence under Section 169(1)(a) and/or to exclude a condition(s) under Section 169(1)(b) that would otherwise be attached to a new or existing licence under Section 168, where agreement is made with the applicant, thereby avoiding the need for a hearing before the Licensing and Gambling Committee.

(vi) Emergency Planning

1. To be responsible for emergency planning and the development of response and contingency plans.
2. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.
3. To develop and maintain the Corporate Business Continuity Incident Management Plan and the Service Business Continuity Incident Management Plans.

(vii) Private Sector Housing

1. To administer the Council's duty to housing the homeless in accordance with the Housing Act 1996 as amended.

2. To ensure, in consultation with the relevant Portfolio Holder, that suitable arrangements are in place for an Out of Hours Homelessness service.
3. To acquire, hold and dispose of private sector housing land in accordance with the wishes of the Council.
4. To manage consultation forums and panels as required.
5. To be responsible for authorising action under the Housing Act 1988 in relation to protection from eviction.
6. To be responsible for making payments in accordance with Council Policy on Homeloss, disturbance and subsidy.
7. To review and make changes to the Homeless Prevention Fund Policy, in light of changes in legislation or case law.
8. To respond, after consultation with the relevant Portfolio Holder, to the Homes and Community Agency, Ministry of Housing, Communities and Local Government and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Cabinet or Council as appropriate.
9. In consultation with the relevant Portfolio Holder, to prepare, conduct and publish the results of stock condition surveys.
10. To determine applications under Section 268 Public Health Act 1936 (as amended) for the use of land for moveable dwellings subject to any necessary planning permission.
11. To administer the Council's Housing Renewal Assistance Policy and the Regulatory Reform (Housing Assistance) England and Wales Order 2002.
12. To provide an agency service for housing loan, housing grant and disabled facilities grant applicants and make payments as appropriate.
13. To sign contracts making the appointment of Contract Supervisor for Minor Works contracts undertaken in connection with the Council's Grant Agency Service, and to undertake appropriate duties in relation to the said appointment.
14. To administer the relevant provisions of the Law of Property Act 1925 and the Local Land Charges Act 1975 and to implement other necessary action.
15. To administer the relevant provisions of the Criminal Justice and Public Order Act 1994 and Civil Procedures Rules Part 55, give directions, serve Notices, enforce, enter in claims or applications, lay information to Court in respect of offences in appropriate cases, make complaint to Court for Orders in appropriate cases and take steps for ensuring that Orders are complied with, and in administering the Act to

investigate the circumstances of unauthorised campers to ensure that the rights and welfare of children are safeguarded.

16. To waive charges for dealing with unauthorised campers on privately owned land under the Criminal Justice and Public Order Act 1994 if he considers such charges to be irrecoverable except where he considers it would be in the public interest to use those powers under this Act to most effectively deal with an unauthorised encampment.
17. To review and update the Landlord Accreditation Scheme as required in consultation with the relevant Portfolio Holder and to administer the Scheme.
18. To administer relevant provisions, give authorisations, directions, serve notices, enforce, carry out work in default, raise and recover charges, set and impose penalty charge notices, review and determine penalty charges where representations are made, authorise applications for rent repayment orders, determine representations made against the notice of intent to serve a rent repayment order, review, determine and impose civil penalties, issue formal cautions and to lay information and complaints to the Court in relation of offences in appropriate cases under the following elements and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made upon the said Act or Acts:

Public Health Act (s) 1936 and 1961
Prevention of Damage by Pests Act 1949
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Local Government Act 1972
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Building Act 1984
Housing Act 1985
Housing Act 2004 (with effect from the appropriate enactment dates for each Section of the Act)
Local Government and Housing Act 1989
Environmental Protection Act 1990
Housing Grants, Construction and Regeneration Act 1996
Protection from Eviction Act 1977
Home Energy Conservation Act 1995
Local Government Act 2000
Regulations Reform (Housing Assistance) (England and Wales) Order 2002
Town and Country Planning Act 1990 (Sections 215, 216 and 219)
Enterprise and Regulatory Reform Act 2013
The Energy Act 2013 – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (only)
Housing and Planning Act 2016

19. To carry out enforcement action under the Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc) (England) Order 2014 and to exercise the discretion to impose a lesser monetary

penalty than the £5,000 for failure to comply where there are extenuating circumstances.

20. To undertake the following licensing functions under the relevant enactment and regulations including the making of periodic increases in licensee fees in line with inflation and the laying of information and complaints to a Court in respect of legal proceedings in relation to:

Caravan Sites
Houses in Multiple Occupation

21. To appoint officers where appropriate as authorised officers or inspectors and to authorise officers to sign documents and to lawfully enter land/premises in connection with their duties under the following enactments or re-enactments thereof:

Public Health Act(s) 1936 and 1961
Prevention of damage by Pest Act 1949
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Building Act 1985
Housing Act 1985
Local Government and Housing Act 1984
Environmental Protection Act 1990
Housing Grants, Construction and Regeneration Act 1996
Home Energy Conservation Act 1995
Housing Act 1996
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Housing Act 2004
Town and Country Planning Act 1990 (Sections 215, 216 and 219)

22. To authorise the service of Notices requiring information as to the ownership of land/premises.
23. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person when he considers it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
24. To operate the Rental Deposit Scheme in accordance with Council Policy and to grant Rental Deposit Grants in accordance with the provision of the scheme.
25. Be authorised to work with Helena Partnerships to develop and implement an Empty Homes Lease and Repair Scheme.
26. In consultation with the relevant Portfolio Holder, to review and update the Empty Homes Lease and Repair Scheme as required.

27. In consultation with the relevant Portfolio Holder, to review and make future changes to the Disabled Adaptations Policy in light of any legislative or economic changes.
28. In relation to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015:
 - (a) To receive written representations from Landlords in receipt of a Remedial Notice; determine what (if any) action is required and to notify the landlord of the decision.
 - (b) To receive in writing from Landlords requests seeking a review of a Penalty Charge Notice; to determine what (if any) action is required and to notify the landlord of that decision.
 - (c) In consultation with the relevant Portfolio Holder, prepare and publish the 'Statement of Principles' which it proposes to follow in determining the amount of a Penalty Notice.
29. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).
30. To consider written representations from landlords that have received a Notice of Intent to issue either a civil penalty or a Rent Repayment Order (RRO) and to determine whether to impose a civil penalty, and if so the amount of the penalty, or apply for a RRO, in accordance with the RRO Policy.
31. The authority to administrate and enforce the relevant provisions of the Building Safety Act 2022.
32. To appoint Officers where appropriate under the Building Safety Act 2022.

C. WELLBEING & PLACE

(i) Leisure Facilities, Contracts Management & More Positive Together

1. To select suppliers and purchase playground equipment and undertake renovation works ensuring value for money in accordance with Contracts Procedure Rules and Financial Procedure Rules.
2. To arrange for the removal of children's playground equipment in the interests of public safety.
3. To vary the booking fee if it is necessary to relocate a hall user to another facility if relocation results in a higher fee to the user.
4. To determine applications for abatement of income for use of leisure facilities up to £200 within Council policy.
5. To enter into agreements to allow event organisers to make appropriate charges for entrance and car parking at Beacon Country Park and other Pleasure Grounds.

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6. To monitor and administer monthly payments in accordance with the terms of the golf management agreement for Beacon Golf Course.
 7. To take such action as may be necessary, in respect of any use of Council Public Open Space facilities by fairs or circuses.
 8. To determine applications for use of Council-owned land held for recreational use in accordance with Council policy and to levy such additional charges as individual circumstances dictate.
 9. To let all public halls, games facilities, including public open space, swimming pool and facilities, in accordance with Council policy.
 10. To make available the Council's leisure accommodation, free of charge, to approved bodies or organisations of a similar nature, for the purpose of holding approved meetings.
 11. To determine applications for the use of Council bowling greens, without charge, for the purpose of holding approved competitions.
 12. To determine applications for the use of Council squash facilities, without charge, for the purpose of staging events in aid of charity.
 13. To determine applications for the use of Council tennis facilities for training schemes for children.
 14. To arrange for the closure of recreational facilities without notice, in emergencies in the interests of public safety.
 15. To act as or authorise another officer to act as the Council's licensee in relation to Council licensed premises, subject to the obtaining of a Personal Licence and to instruct the Head of Legal & Democratic Services to make applications for any necessary licenses permits.
 16. To approve and issue all official publicity, press statements and official publications in relation to any aspect of the work or functions of the Service.
 17. To alter Council charging policy for the purpose of protecting Council income, and in response to market forces.
 18. To determine the Council's continued involvement in the Green Partnership Awards Scheme in consultation with the relevant Portfolio Holder.
 19. In consultation with the relevant Portfolio Holder, and the Head of Legal & Democratic Services, to negotiate and enter into lease agreements for lease and licence arrangements in respect of the Skelmersdale Meeting Rooms with tenants/licensees providing recreational and community facilities, on such terms

and conditions as he shall (in consultation) determine subject to all statutory and other relevant consents being obtained.

20. In consultation with the relevant Portfolio Holder, and the Head of Legal & Democratic Services, to take all necessary action and enter into all necessary agreements to terminate any lease or licence in respect of the Skelmersdale Meeting Rooms.
21. In consultation with the relevant Portfolio Holder, to review existing allotment agreements and implement new agreements, including the revocation/variation of existing allotment rules and authorisations.
22. To issue agreements for societies, groups and individuals to use Council owned allotments.
23. To take all necessary steps, , to give effect to the management arrangements agreed at Cabinet on 16 March 2010 in respect of the Council's allotment holdings, including putting in place suitable agreements and leases and the obtaining of all necessary consents.
24. To enter into negotiations with the West Lancashire Community Leisure Trust and the Trust Partners Serco Operating Limited and, during negotiations with those bodies, engage consultants and obtain expert legal and financial advice as appropriate.

(ii) Economic Development & Regeneration

1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
5. To prioritise the implementation and scale of the schemes in relation to funds available towards the end of the West Lancashire Inspire Project.
6. In conjunction with the Head of Finance, Procurement & Commercial Services , to accept payments of Grants.
7. In consultation with the relevant Portfolio Holder, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.

8. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
9. In consultation with the Head of Legal & Democratic Services and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreement(s) and share data, with Business Link Northwest and other partners and stakeholders for the economic benefit of the Borough of West Lancashire.
10. In consultation with the relevant Portfolio Holder to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts as detailed in Appendix A to the report considered by Cabinet on 14 September 2010.
11. To develop and expand on the National Procurement Concordat concept by delivering and marketing a programme of business support activity from within the Investment Centre and entering into necessary negotiations and contracts required for such delivery.
12. To administer the Community Right to Bid process, to include, in consultation with the relevant Portfolio Holder, the consideration and determination of the listing of assets and compensation.
13. To, in consultation with the Head of Finance, Procurement & Commercial Services , the Leader and the Finance Portfolio Holder, determine whether there is a positive business case to purchase up to three of the remaining land auction sites at Whalleys, Skelmersdale (as shown in Appendix 1 of the report to Council on 16 December 2015) prior to the 31 March 2018 deadline, and, if so, to proceed to purchase taking all necessary steps to do so.
14. In consultation with the relevant Portfolio Holder to:-
 - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes and Community Agency and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
 - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
 - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
 - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the College and Lancashire

County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).

- Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
15. To determine, in consultation with the relevant Portfolio Holder, whether to refer cases involving non-NWDA breaches of grant agreements, including shortfalls in outputs delivery, for action as set out at Constitution 4.3 (paragraphs 2.5 and 6.6) in respect of matters under the Pilot Land and Property and Inspire Projects.
 16. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
 17. In consultation with the Leader and Portfolio Holder for Economic Regeneration to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of new office facilities for the Co-operative Bank. That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
 18. In consultation with the Leader and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
 19. In consultation with the Leader and Portfolio Holder for Regeneration, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
 20. In respect of the Moor Street Gateway Redevelopment Project:
 - a) in consultation with the Portfolio Holder for Regeneration:-
 - negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
 - negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
 - take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
 - secure appropriate tenants for the ground floor space that will belong to the Council

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- b) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.

(iii) Markets and Car Parks

1. To operate and administer car parks and the Ormskirk Bus Station in accordance with Council policy including the removal/relocation of vehicles as provided in the Council's Car Park Control Orders.
2. To determine requests from the duly appointed enforcement contractor, for an increase in the contract price for the enforcement of pay and display car parking in Ormskirk Town Centre to reflect increases in the national minimum wage, in consultation with the relevant Portfolio Holders.
3. To administer the decriminalised parking arrangements and agree amendments to PATROL arrangements as appropriate.
4. To determine requests for the excess charge, imposed in respect of contraventions of the West Lancashire District Council (Off Street Parking Places) (Consolidation) Order 2008, to be waived.
5. To determine requests in consultation with the relevant Portfolio Holders, for increases in the discount allowed to residential permit holders to park on The Stiles Car Park. This subject to the proviso that only one parking permit be issued per dwelling in accordance with arrangements to the issue of such permits.
- 6.. To suspend or terminate market stallholders occupancy and to determine appeals in respect of written warnings or final written warnings.

E. PLANNING SERVICES

Note

** Notwithstanding the provisions contained in items (i)1, (i)2, (i)9 and A(iv)1, all planning applications, applications for advertisement, listed building and certificate of lawfulness, and consent for works to trees that have been submitted by:-

- (a) elected Members of West Lancashire Borough Council,
- (b) by staff employed in Planning Services,
- (c) employed elsewhere within the Council but involved in any part of the development control/enforcement process or,
- (d) the Chief Operating Officer, Corporate Directors and Heads of Service

or by spouses, partners or close family of such persons as referred to in a, b, c, and d be not delegated to the Corporate Director of Place & Community, but be referred to the Planning Committee for a decision.

(i) DEVELOPMENT CONTROL

- **1. To deal with and determine full planning applications, outline planning applications, applications for approval of reserved matters and applications for listed buildings and (which are considered to be uncontroversial and which would not have a wide and significant environmental impact).
- **2. To deal with the administration of applications and consultations submitted under planning legislation and to have full delegation rights to determine the following classes of development applications/consultations:
- (a) Vehicular accesses
 - (b) Advertisements
 - (c) Electricity sub-stations
 - (d) Certificates of Lawful Development
 - (e) The determination as to whether or not prior approval of the local planning authority is required in respect of agricultural developments covered by the prior notification procedures
 - (f) Applications for development by or on behalf of Electronic Communications Code Operators, submitted for determination under Part 16 of the Town and Country Planning (General Permitted Development) Order 2015
 - (g) The determination as to whether or not the prior approval of the local planning authority is required in respect of proposed demolitions and any proposed restoration of any site in respect of any proposals to demolish under Section 13 of the Planning and Compensation Act 1991 and associated legislation.
 - (h) Industrial/commercial applications on industrial estates which comply with Council planning policies.
 - (i) Development in respect of Housing Estates Remodelling or similar refurbishment schemes.
 - (j) Consultations by neighbouring planning authorities.
 - (k) Prior approval applications submitted pursuant to the Town and Country Planning (General Permitted Development) Order 2015
 - (l) Non-material amendments to previously approved planning and other applications.
 - (m) Environmental Impact Assessment (E1A) scoping/screening.

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3. To determine matters submitted in accordance with the requirements of conditions imposed on any formal approval or permission.
 4. In consultation with the Chairman of the Planning Committee and relevant ward members to respond to consultations from the County Planning Officer on Development Order (IDO) Mineral planning permission submissions.
 5. To issue, serve and withdraw Planning Contravention Notices.
 6. To enter into, modify and discharge Planning Obligations under Section 106 of the Town and Country Planning Act 1990, subject to consultation with the Head of Legal & Democratic Services.
 7. To make objections or lodge appeals on behalf of the Council to applications in respect of Goods Vehicles Operators Licences and in consultation with the Head of Legal & Democratic Services to present the Council's objection at any subsequent public inquiry and take any necessary action in relation to appeals.
 8. To authorise officers to exercise the powers of the Council under Section 225 of the Town and Country Planning Act 1990. (Power to remove or obliterate placards and posters).
 - **9.
 - (a) To circulate to all members of the Council (at weekly intervals) a list of development applications received by the Council.
 - (b) To issue appropriate decision notices in respect of applications in any such lists as is referred to in (a) above three weeks from the date of issue of that list subject to there being no objection, or unresolved query from a member of the Council or outstanding response to consultation or notification (including Parish Councils and neighbours) where the period for response has not expired.
 - (c) To submit a list in Planning Committee Members Update of applications in respect of which he has issued decision notices under the authority contained in (b) above along with a list of any related Appeal decisions.
 10. To instruct the Head of Legal & Democratic Services to serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs..
 11. To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Breach of Condition Notices or Enforcement Notices in respect of Breach of Conditions.
 12. To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Enforcement Notices, Temporary Stop Notices and Stop Notices in respect of unlawful development that results in identified planning harm; and, to close planning complaint files where it is not considered expedient to pursue further
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action save for those sites with expressed elected Member interest or sites of a controversial nature.

13. In consultation with the Chairman of the Planning Committee, To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Untidy Site Notices (Section 215).
14. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
15. In consultation with the Chairman of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to make the corresponding Order.
16. In consultation with the Chairman of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to thereafter make the appropriate Order or application as the case may be.
17. Under the relevant sections of the Clean Neighbourhoods and Environment Act 2005, to require persons of a specified description (following guidance from the Secretary of State) to prepare plans for the management and disposal of waste created in the course of specified descriptions of work involving construction or demolition.
18. In consultation with the relevant Portfolio Holder, to consult on and decide, the local list of planning applications validation requirements as set down in the Appendix to the report to Cabinet on 16 November 2010, and to make subsequent modifications or replace the list in the future.
19. (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) and
(b) to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
19. In consultation with the Portfolio Holder for Planning, to consider and authorise any reasonable changes to the details of any approved schemes which include any minor changes to CIL funding or delivery timescales, that may be necessary to facilitate the subsequent delivery of an approved project.
20. To apply surcharges in accordance with the Protocol for handling failures to adhere to the requirements of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the said Regulations.

(ii) BUILDING CONTROL

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1. To deal with the administration and determination of applications for Building Regulation Approval.
 2. To exercise the Council's powers in respect of defective premises, demolition etc under Sections 77,78,79,81, 82 and 83 of the Building Act, 1984 and to take such action as is necessary.
 3. To issue notices under Regulation 14 of the Building Regulations requiring work to be uncovered where notice of commencement or other stages of work has not been given to the Council.
 4. To take action, in consultation with the Head of Legal & Democratic Services, under Section 35 of the Building Act 1984 where a person contravenes a provision contained in the Building Regulations.
 5. To take action, in consultation with the Head of Legal & Democratic Services, under Section 36 of the Building Act 1984 requiring work which contravenes Building Regulations to be removed or altered as expedient.
 6. To operate, amend and publicise the Scheme of Charges for Building Regulation work.
 7. To take action to recover charges in accordance with the Scheme of Charges for Building Regulation work.
 8. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).

(iii) PLANNING POLICY & HERITAGE

1. To undertake public consultation on draft Conservation Area documents, in consultation with the relevant Portfolio Holder, prior to reporting to Cabinet on the outcome of such consultation (including consultation with the Planning Committee) with a view to securing approval or adoption of the documents.
2. To authorise the Head of Legal & Democratic Services to issue, serve and withdraw Listed Building Preservation Notices and Urgent Work Notices under Sections 3 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To deal with the numbering of properties and in consultation with the relevant Portfolio holder and appropriate ward councillor(s), the name of the streets and the renaming of streets and to act as the LLPG Custodian and to take all necessary action in respect of the addresses of properties in the Borough.
4. To amend the Street Naming and Numbering Policy, process and charges in consultation with the relevant Portfolio Holder.

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5. In consultation with the relevant Portfolio Holder to approve expenditure of up to £3,000 to match fund schemes brought forward by the West of Lancashire Community Rail Partnership.
 6. In consultation with the relevant Portfolio Holders to implement the actions set out under Section 4.4 of the Report considered by the Cabinet on 3 June 2003 and make the necessary arrangements for publishing the "Design Champion" initiative.
 7. To publish the Annual Monitoring Report.
 8. In consultation with the relevant Portfolio Holder Planning, to update the Local Development Scheme and publish it on the Council's website should any further iterations of the document be required.
 9. In consultation with the Portfolio Holder Planning, to assist in the sustainable energy strategy.
 10. To take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) and to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
 11. To implement the provisions of the application process identified in the protocol for amending or adding names to Council owned War Memorials.
 12. In consultation with the relevant Portfolio Holder, to determine any applications for amending or adding new names to Council owned War Memorials in accordance with the agreed protocol and, in consultation with the relevant Portfolio Holder, to make any minor amendments to the protocol following its implementation.
 13. In consultation with the relevant Portfolio Holder to consider applications for neighbourhood areas made in West Lancashire and, where the neighbourhood area is considered appropriate, to designate those neighbourhood areas.

(iv) GENERAL – Development Control, Building Control and Planning

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
 - (a) Section 15 - Authority to carry out surveys with power to authorise persons to carry out the same.
 - (b) Section 16 - Authority to serve Notices and to take all necessary action in respect thereof.
 - (c) Section 23 - Authority to take all necessary action when a Notice is served on the Council under this section.

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- (d) Section 24 - Authority to serve Notices.
 - (e) Section 25 - Authority to serve Notices.
 - (f) Section 26 - Authority to authorise persons to enter onto land.
2. To submit and present the Council's evidence at Local Plan and Development Plan Document Examinations in Public, LDF Examinations, Public Local Inquiries and in Planning and Enforcement Notice Appeals and in the Courts.
 3. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision and to publish where appropriate the findings of these assignments.
 4. In consultation with the relevant Portfolio Holders to make minor amendments to the Planning Services Customer Charter.
 5. To dispose of surplus plant, machinery, equipment or man hours in accordance with Contracts Procedure Rules and Financial Regulations.
 6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report on the action taken being reported by including an Article in the relevant Members Update.
 7. To exercise the functions, powers and duties of the Council under Sections 20, 31 and 34 of the County of Lancashire Act, 1984.
 8. To amend the Planning Charges documentation for: pre-application advice, specialist advice, drafting, negotiating and monitoring of legal agreements, when adopted. (Minute 135 Cabinet 15 March 2011 refers).
 9. In consultation with the relevant Portfolio Holder to amend the service, procedures, delivery and charging schedule for Energy Assessments for new Residential Properties.
 10. To implement a Cycle to Work Scheme, utilising the Government's 'Cyclescheme' initiative and to take all necessary action relating thereto.
 11. To publish, review and maintain Part 1 of the Brownfield Land Register and to propose land for inclusion in Part 2 of the Register (both aspects) in consultation with the Portfolio Holder for Planning and to carry out all necessary publication, notification and consultation procedures.
 12. To also determine applications for Technical Details Consent.

(v) STRATEGIC PLANNING, REGENERATION AND EXTERNAL FUNDING

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1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
 2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
 3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
 4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
 5. To prioritise the implementation and scale of the schemes in relation to funds available towards the end of the West Lancashire Inspire Project.
 6. In conjunction with the Head of Finance, Procurement & Commercial Services , to accept payments of Grants.
 7. In consultation with the relevant Portfolio Holder, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.
 8. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
 9. In consultation with the Head of Legal & Democratic Services and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreement(s) and share data, with Business Link Northwest and other partners and stakeholders for the economic benefit of the Borough of West Lancashire.
 10. In consultation with the relevant Portfolio Holder to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts as detailed in Appendix A to the report considered by Cabinet on 14 September 2010.
 11. To develop and expand on the National Procurement Concordat concept by delivering and marketing a programme of business support activity from within the Investment Centre and entering into necessary negotiations and contracts required for such delivery.
 12. To administer the Community Right to Bid process, to include, in consultation with the relevant Portfolio Holder, the consideration and determination of the listing of assets and compensation.
 13. To, in consultation with the Head of Finance, Procurement & Commercial Services , the Leader and the Finance Portfolio Holder, determine whether there is a positive business case to purchase up to three of the remaining land auction sites at Whalleys, Skelmersdale (as shown in Appendix 1 of the report to Council on 16 December 2015)

prior to the 31 March 2018 deadline, and, if so, to proceed to purchase taking all necessary steps to do so.

14. In consultation with the relevant Portfolio Holder to:-
- Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes and Community Agency and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
 - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
 - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
 - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the College and Lancashire County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).
 - Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
15. To determine, in consultation with the relevant Portfolio Holder, whether to refer cases involving non-NWDA breaches of grant agreements, including shortfalls in outputs delivery, for action as set out at Constitution 4.3 (paragraphs 2.5 and 6.6) in respect of matters under the Pilot Land and Property and Inspire Projects.
16. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
17. In consultation with the Leader and Portfolio Holder for Economic Regeneration to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of new office facilities for the Co-operative Bank. That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
18. In consultation with the Leader and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
19. In consultation with the Leader and Portfolio Holder for Regeneration, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development

Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.

20. In respect of the Moor Street Gateway Redevelopment Project:

c) in consultation with the Portfolio Holder for Regeneration:-

- negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
- negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
- take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
- secure appropriate tenants for the ground floor space that will belong to the Council

d) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.

21. That delegated authority be given to effect transfers to increase the allotment provision within the Borough.