

## **TO THE CORPORATE DIRECTOR OF HOUSING, TRANSFORMATION & RESOURCES**

### **A. GRANTS & PROCUREMENT**

1. To approve, in consultation with the Voluntary Sector Grants Working Group, the making of grants to voluntary organisations.
2. To award grants under the Older People's Grant Scheme, in consultation with the Champion for Older People.
3. To draw up, negotiate and enter into a Grant Funding Agreement for the provision of Community Transport in West Lancashire with Lancashire County Council, in consultation with the Head of Legal & Democratic Services and relevant Portfolio Holders.
4. In consultation with the relevant Portfolio Holder to, review, update and reissue the Procurement Strategy as necessary and to produce/amend and issue/reissue all appropriate documentation in support of this Strategy.
5. To produce and update as appropriate a Procurement Action Plan for the Council, in consultation with the relevant Portfolio Holder.
6. To make and approve changes to the Procurement Policy, to reflect any changes to Law or Regulatory Guidance with no further reference to Council.

### **B. COMMUNICATIONS & ENGAGEMENT**

1. To appoint consultants to undertake market research subject to there being appropriate budgetary provision.
2. In consultation with the relevant Portfolio Holder, to update the "Policy on the Publication of the Citizens Guide list of Clubs and Organisations – print and on line" as required.

### **C. BUSINESS TRANSFORMATION & CHANGE**

1. To prepare and issue the Council Plan document.
2. To make any necessary changes, in consultation with the relevant Portfolio Holder, to the performance management framework.
3. In consultation with the relevant Portfolio Holder, to review and update the Organisational Re-Engineering Strategy.
4. In consultation with the relevant Portfolio Holder, , Chief Operating Officer and relevant Head of Service, to select, undertake and implement Organisational Re-Engineering Projects.

5. Together with the Head of Finance, Procurement & Commercial Services, be appointed as Director of the Development Company known as Tawd Valley Developments Limited.
7. In consultation with the Leader of the Council, Portfolio for Housing and Landlord Services and Portfolio Holder for Resources and Transformation, to take all necessary steps to enable the Development Company, known as Tawd Valley Development Company Limited to be set up including making arrangements for the appointment of the two independent Directors to the Development Company Board.

#### **D. ICT**

1. To review and update as appropriate in consultation with the relevant Portfolio Holder the Protocol on the use of ICT by Members.

#### **N.B. AGREEMENTS WITH LANCASHIRE COUNTY COUNCIL DIGITAL SERVICES LIMITED**

All appropriate delegated authority was given by the Council on 20<sup>th</sup> July 2011 to give effect to the provisions of the Shared Services Agreement and Secondment Agreement in relation to the partnership with Lancashire County Council and One Connect Limited as stated therein. One Connect Limited changed its name to BT Lancashire Services on 17 April 2014. Delegations then passed to Lancashire County Council Digital Services Limited in 2021.

#### **E. BUSINESS SUPPORT**

1. To sign official certificates of search in the register of local land charges and after consultation with the Leader of the Council to set the fee for a local search.
2. In consultation with the Leader and relevant Portfolio Holder to authorise and amend the Land Charges Services and set the relevant fees for such services in future years, having regard to the Guidance, and to publish details of fees.
3. In consultation with the Head of Finance, Procurement & Commercial Services to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.
4. In consultation with the Leader, to make minor amendments to the Corporate Draft Recovery Policy for it to remain effective and relevant.
5. To co-ordinate compliance with the requirements of the Data Protection legislation and to determine requests for disclosure of personal data.
6. To make any consequential amendments to the Council's Data Protection Policy.

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7. To administer the Freedom of Information Act 2000 and to designate the Data Protection Officer to deal with requests under this Act.
  8. To amend and update the Council's Publication Scheme under the Freedom of Information Act 2000 and, in consultation with the Head of Finance, Procurement & Commercial Services and the relevant Portfolio Holder, to set the charge for dealing with requests under the Act (if any).
  9. To update the Council's "Dealing with Requests for Information – Guide for Staff" under the Freedom of Information Act 2000 in consultation with the relevant Portfolio Holder and the Opposition Spokesperson.
  10. To have responsibility for the administration of the Re-use of Public Sector Information Regulations 2005 to include:-
    - The handling of requests for re-use in consultation with the Chief Operating Officer/Corporate Director/Head of Service.
    - The development of standard Licences for re-use.
    - The establishing and publishing of a scale of charges for re-use.
    - The updating of the existing Freedom of Information Request Handling Procedures from time to time to provide for the handling of requests under the 2005 Regulations and any complaints arising from them (including the establishing of an approved process for granting licences for re-use to ensure that issue of licences are fair, transparent and non-discriminatory).
    - The establishment and maintenance (including updating and amending the same), in consultation with the Chief Operating Officer/Corporate Director/Head of Service, an Information Asset Register to be made publicly available through the Council's website.
  11. 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 proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.

## **F. DEMOCRATIC SERVICES**

1. To approve any request made by Parish Councils for the loan of a former constituent Authority's Chain of Office on the same terms and conditions previously approved in relation to other Parish Councils, subject to availability.
2. In consultation with the relevant Portfolio Holder to prepare and issue an annual addendum to the Parish and Town Council Charter.

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3. To grant the free use of Council Civic accommodation to bodies such as the Lancashire Valuation Tribunal, Officers Association meetings and other organisations of a similar nature for the purpose of holding approved meetings.
  4. To grant the free use of civic accommodation to voluntary organisations after consultation with the Leader of the Council.
  5. In consultation with the Leader to make minor amendments to the Petitions Scheme.
  6. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman's complaints, such payments to be made from the appropriate budget.
  8. To undertake future reviews of the parliamentary and local government polling districts and polling places in line with legislative and good practice requirements and, where required, report the final proposals to Council for approval.
  8. In consultation with the relevant Portfolio Holder to prepare and issue an annual addendum to the Parish and Town Council Charter.

## **G. HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT**

1. To update and amend, in consultation with the relevant Portfolio Holder and appropriate Corporate Directors/Heads of Service, the Equality Scheme.
2. To report, as appropriate, progress against the Equality Scheme.
3. To update and amend, in consultation with the relevant Portfolio Holder, the Grievance and Disciplinary Policies in the light of developing good practice, case law, future changes to legislation/regulations and experience in their operation.
4. To produce and amend, in consultation with the relevant Portfolio Holder, all Personnel Policies to ensure that the Council complies with current legislation and developing good practice.
5. To determine, in consultation with the relevant Portfolio Holders, payments to employees whose service is terminated on the grounds of interests of efficiency and where a cost recovery can be demonstrated by permanent savings as set out in paragraph A(c) of Minute 19 of the Council held on 14 June 2007.
6. To review and publish the LGPS Statement of Policy on Employer Discretions, in consultation with the Portfolio Holders for Human Resources and Finance.
7. To action any of the Employers discretions contained in the LGPS Employer Discretions Policy Statement, in consultation with the Portfolio Holders for Human Resources and Finance, subject to appropriate budgetary provisions being identified.

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8. To implement increases in the Voluntary Living Wage from 1 December each year.

## **H. ESTATES & VALUATION**

1. To grant and accept wayleaves and easements and to approve the consideration payable to, or by the Council.
2. To grant licences to enable prospective purchasers to enter onto Council owned land in order to carry out all necessary site investigations and excavations.
3. To be responsible for the efficient management of the Council's property portfolio in terms of land and buildings, (excluding those public buildings managed or maintained by the Corporate Director of Place & Community) including, the taking and granting of leases, sub-leases or licences of land/property and rent reviews where the financial consideration is up to and including £2000 per annum and where the financial consideration is above £2000 per annum then this shall be in consultation with the Leader and relevant Portfolio Holder. In addition, to be responsible for licences to assign, deeds of variation, surrenders, settlement of dilapidation claims and compensation payments, breach of covenants and forfeiture and other elements of land and property management where the financial consideration is up to and including £2000 and where the financial consideration is above £2000 then this shall be in consultation with the Leader and relevant Portfolio Holder
4. To be responsible for terms for user rights and authorisation of proceedings for arrears and collections of rent in respect of 3 above.
5. To be responsible for termination of leases where there has been breach of covenant or forfeiture in respect of 3 above.
6. To enter into Declarations and Statutory Declarations in relation to contracting out leases from the provisions of the Landlord and Tenant Act 1954.
7. To be responsible for the disposal of Council owned land and acquisition of land, where the financial consideration is below £2,000. Where the financial consideration is between £2,000 and £20,000 then this shall be in consultation with the Leader and relevant Portfolio Holder and where the financial consideration exceeds £20,000 approval shall be sought from Cabinet.
8. To remit charges or write off any debts or other losses which are deemed to be irrecoverable. Where debts or other losses exceed £8,000 then this shall be in consultation with the Leader of the Council and relevant Portfolio Holder.
9. In conjunction with the Head of Finance, Procurement & Commercial Services to authorise expenditure from the Community Related Assets Repairs and Renewals Fund of up to £25,000, and, after consultation with the Leader of the Council to authorise expenditure from this fund of between £25,000 and £50,000, and to report back in the "Members Update."

10. To be responsible for maintaining the land terrier of Council land ownerships and defending those ownerships against trespass and adverse possession.
11. To be responsible for maintaining the Council's Capital Assets Register and for preparing the Asset Management Plan.
12. To be responsible for valuation advice.
13. To grant long leases of Council flats to secure tenants who under the Housing Act 1985 wish to avail themselves of the right to acquire such leases - to insert, amend or adapt such conditions in the individual leases as may be necessary to protect the Council's interest or necessary in the prevailing circumstances.
14. To arrange for a Deed of Rectification to be drawn up and executed on behalf of the Council in the event of the Council being notified of any errors relating to "flying freeholds" arising from the transfer of the housing stock of the former Skelmersdale Development Corporation.
15. 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.
16. To take all necessary action to support the operation of the Investment Centre including leasing, subleases, licences, assignments, surrenders, terminations, rent reviews, variations, settlement of dilapidation claims and compensation payments (provided that in granting leases, sub-leases or licences and rent reviews, where the financial consideration is above £2000 per annum, then this shall be in consultation with the Leader and relevant Portfolio Holder), and in consultation with the Head of Legal & Democratic Services to ensure the effective provision of legal services to support the Investment Centre.
17. In consultation with the relevant Portfolio Holder and the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s), to provide desk space within the Council's Regeneration and Estates Service, to external organisations and agencies, to enable the delivery of shared projects and initiatives for the benefit of West Lancashire.
18. In consultation with other appropriate Heads of Service to:-
  - (i) participate in the Coal Mining Disclosure of Information Programme.
  - (ii) release the information requested by the Coal Authority.
  - (iii) embed the resulting polygons in the Council's Land Terrier.
  - (iv) sign the proposed memorandum of understanding.

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19. In consultation with the relevant Portfolio Holder be given delegated authority to implement, update and amend the Leasehold Management Policy after consultation, and then every 3 years or when there are legislative changes.
  20. In consultation with the relevant Portfolio Holder be given delegated authority to make any minor or inconsequential amendments to the Leasehold Housing Management Policy 2022
  21. To make any minor or inconsequential amendments to the Community Wealth Building Strategy as deemed appropriate.
  22. In consultation with the relevant Portfolio Holder be given delegated authority in relation to the UK Shared Prosperity Fund to amend the investments proposals/plans as deemed appropriate.
  23. To procure specialist support and advice to ensure the programme of works in relation to the UK Shared Prosperity Fund can be implemented and meet the UKSPF Framework and timescales. The cost of which will be taken from the overall administration and management fees allocation,
  24. In consultation with the relevant Portfolio Holder to make alternative arrangements for the provision of an Independent Partnership Board if at any time the West Lancashire Partnership Board are either unwilling or unable to carry out their function in relation to the UK Shared Prosperity Fund.

## **I. BENEFITS, DEBTORS & PAYMENTS**

### **(i) Benefits**

1. To pursue all cases where payments have been made in respect of Housing and Council Tax Benefit and all other appropriate Social Security Benefits as a result of false or dishonest claims and to have criminal and any necessary recovery proceedings instituted where appropriate.
2. To deal with the administration of the Housing and Council Tax Benefit Schemes for all claimants including those decisions relating to individual applications under legislation at the time in force and in particular to decide:
  - (a) whether to grant benefit to a date prior to the date of the claim; and
  - (b) whether or not to recover any amount of benefit to which has been overpaid where such discretion is allowed.
3. To make Discretionary Housing Payments where appropriate.
4. To enter into a Delivery Partnership Agreement, and any subsequent agreements, with the Department of Work and Pensions (DWP) and other supporting third party

organisations to support residents in West Lancashire who claim Universal Credit, including entering into all necessary documentation and obtaining all necessary consents.

## **(ii) Benefits Fraud**

1. To make minor amendments to the Council's Benefit Sanctions and Prosecution Policy as required, in consultation with the Head of Legal & Democratic Services.
2. To make minor amendments to the Council's Code of Practice for obtaining information from employers, contractors, the self-employed and landlords as required, in consultation with the Head of Legal & Democratic Services.
3. To administer relevant provisions of the Social Security Administration (Fraud) Act 1997 and to institute criminal proceedings for offences in appropriate cases.
4. In consultation with the Leader, to vary the application of the Benefits Fraud Sanctions and Prosecution Policy and the sanctions offered in instances where it is in the public interest, or all parties concerned, or as a result of comments received from the courts in respect of prosecutions.

## **(iii) Debtors**

1. To remit charges or to write off irrecoverable debts up to a limit of £5,000 in individual cases, and to remit or write off debts above £5,000 where any of the following apply:
  - (a) the debtor has gone into liquidation and there is little likelihood of the debt being collected
  - (b) the debtor has absconded and all enquiries have failed
  - (c) the debtor is in prison and has no means to pay
  - (d) the debtor has died and there is no estate.

All sums above £5,000 and not falling within the four categories above shall be reported for write-off to the Cabinet or Council as appropriate.

2. To recover arrears of rent and/or service charges on termination of a tenancy and to authorise the Head of Legal & Democratic Services to institute court proceedings in respect thereof.

## **(iv) NNDR (National Non Domestic Rates)**

1. To determine applications under Sections 47 and 49 of the Local Government Finance Act 1988 in relation to discretionary rate relief/hardship relief after consultation with the Leader of the Council.



2. To grant Mandatory Non-Domestic Rate Relief to both new and existing applicants.
3. To grant Discretionary Non-Domestic Rate Relief on an annual basis, to existing beneficiaries, in accordance with Council Policy.
4. To administer relief for partly occupied hereditaments under Section 44A of the Local Government Finance Act, 1988.
5. To draw up a local policy for local business rate discounts, in consultation with the relevant Portfolio Holder.
6. In consultation with the Leader, to finalise and implement the further Local Discretionary Business Rate Relief Scheme.
7. In consultation with the relevant Portfolio Holder to implement the new Business Rate Reliefs announced in the Chancellor of the Exchequer's Budget Speech in October 2018.
8. That the Corporate Director of Transformation, Housing and Resources be given delegated authority to make any minor/inconsequential amendments to the following Policies
  - WLBC Council Tax Discretionary Energy Support Scheme – Policy Document
  - Government Council Tax Energy Rebate Scheme CT Bands A-D - Policy Document
  - Government Council Tax Energy Rebate Discretionary Scheme - Policy Document
  - Government NNDR CARF Scheme - Policy Document

#### **(v) Housing Advances**

1. To authorise the Head of Legal & Democratic Services in respect of properties in mortgage to the Council to take Possession Proceedings or to stay Possession Proceedings if there are any good grounds for so doing, or if satisfactory arrangements can be made.
2. To make arrangements to sell and dispose of those properties taken into possession, and to make all necessary arrangements so far as other mortgages and encumbrances are concerned.
3. To make such arrangements as may be necessary with mortgagors who have difficulty in meeting their repayments due to circumstances beyond their control.

4. To make arrangements with mortgagors who wish to have their mortgage term extended because of difficulty in maintaining monthly payments.

**(vi) Local Taxation**

1. To be responsible for the administration, collection and recovery of all local taxation monies including those decisions appertaining to cancellation of summons costs, refunds of monies in accordance with legislation, (including the payment of interest where appropriate) the nomination of officers authorised to represent the Council in all tribunals and courts in connection therewith and the appointment of external bailiffs.
2. To sign, on behalf of the Council, voting Forms to be used in recovery of debt proceedings, where it is necessary to have the Council's interests protected, but is not necessary to use the Council's Seal.
3. To attend meetings of Creditors, etc., and to vote thereat on behalf of the Council to protect the Council's interests in the recovery of sums due to the Council.

**(vii) Other Debts**

1. To recover debts due to the Council, and to instruct the Head of Legal & Democratic Services to instigate court proceedings in respect thereof.

**N.B. AGREEMENTS WITH LANCASHIRE COUNTY COUNCIL DIGITAL SERVICES**

All appropriate delegated authority was given by the Council on 20<sup>th</sup> July 2011 to give effect to the provisions of the Shared Services Agreement and Secondment Agreement in relation to the partnership with Lancashire County Council and One Connect Limited as stated therein. One Connect Limited changed its name to BT Lancashire Services on 17 April 2014. Delegations then passed to Lancashire County Council Digital Services in 2021.

**J. HOUSING SERVICES**

**(vii) Housing (General)**

1. To review housing need in accordance with Relevant Legislation.
2. To acquire, hold and dispose of housing land in accordance with the wishes of the Council.
3. To co-ordinate the Council's Housing Strategy and housing investment approvals mechanisms.
4. To administer and manage the sale of Council dwellings and/or land in respect of "Right to Buy" in accordance with Relevant Legislation and Policies of the Council.

5. In consultation with the relevant Portfolio Holder,
  - (a) to make minor amendments to the Housing Strategy 2014-2019 and Year 1 Action Plan and
  - (b) to develop, on an annual basis, a Housing Strategy Action Plan for years 2 to 5 inclusive.
6. To manage consultation forums and panels as required.
7. To be responsible for Part VI of the Local Government and Housing Act 1989 as amended in relation to housing finance.
8. To be responsible for making payments in accordance with Council Policy on Homelessness, disturbance and subsidy.
9. To respond, after consultation with the relevant Portfolio Holder, to the Homes England, Ministry of Housing, for 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.
10. In consultation with the relevant Portfolio Holder, to prepare, conduct and publish the results of housing surveys.
11. To approve and enter into such nomination, management and other agreements as shall be necessary for the implementation of Registered Social Landlords or other Social Housing providers as Managing Agents Schemes and to apply for any consents.
12. To administer relevant provisions, give authorisations, directions, serve notices, enforce, carry out work in default, raise and recover charges, issue formal cautions and to lay information and complaints to Court in relation of offences in appropriate cases under the following enactments 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:

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

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)

13. 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:
- 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)
14. To authorise the service of Notices requiring information as to the ownership of land/premises.
15. To authorise to undertake the necessary procedures under the Affordable Housing First Steps Scheme Procedure and/or similar equity based products to advertise and administer the scheme in the Borough.
16. In accordance with S323(1) of the Companies Act 2006, to be a Director of ARCH on behalf of the Council along with the Portfolio Holder for Housing and Landlord Services, in order to attend any meeting and execute voting rights.
17. To determine the rent levels to be charged each year for as long as the Government's rent reform arrangement exists and to report this to Members as part of the budget process.
18. To determine service charges in respect of Sheltered Accommodation Schemes in accordance with the Government's Rent and Service Charge Reforms for as long as those conditions existed and to advise Members of those charges as part of the budgetary process.
19. In consultation with the relevant Portfolio Holder to set rent levels for new tenancies in Sheltered Housing in accordance with relevant regulations once these are in place.
20. In consultation with the relevant Portfolio Holder, to proceed with an option appraisal on a scheme by scheme basis of vacant resident warden accommodation to determine future use, and where appropriate to redevelop or sell on the open market, subject to obtaining all necessary consents and approvals.

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21. In consultation with the relevant Portfolio Holder, to proceed with an option appraisal on a scheme by scheme basis of Category 1 Communal Lounges to determine future use, and where appropriate, redevelop or sell on the open market, subject to obtaining all necessary consents and approvals.
  22. In consultation with the Housing and Landlord Services Portfolio Holder to utilise one to one capital receipt funding together with HRA borrowing to acquire new properties subject to there being a satisfactory business case.
  23. In consultation with the relevant Portfolio Holder, be able to make changes to the Rent to Buy and Shared Ownership Policies to ensure compliance with Homes England requirements to reflect changes to regulation, legislation, local operational procedures and make any minor/inconsequential changes as required.

**(viii) Housing (Operational)**

1. To administer, manage and maintain the Council's Housing Stock in accordance with the Relevant Legislation and Policies of the Council.
2. In relation to the Housing Allocations Scheme/Choice Based Lettings Policy:
  - (a) to review and make changes, in light of legislative changes
  - (b) to administer and manage the Policy, including making nominations to Registered Social Landlords.
  - (c) In consultation with the relevant Portfolio Holder, to consider on a scheme by scheme basis the introduction of a local lettings policy as part of initial Council nominations to any future Registered Provider schemes where those schemes are not covered by local connection criteria as contained in the Council Housing Allocation Scheme/Choice Based Lettings Policy.
3. To authorise lettings of dwellings as part of the Extra Care arrangements with LCC Social Services and also in relation to learning disability arrangements as an exemption to the Council's Housing Allocation Policy.
4. To be responsible for notification and collection of service charges for leased properties.
5. To set service charges at levels that recover the costs of service provision.
6. To repair, maintain and improve the Council's housing stock.
7. To be responsible for monitoring the ethnic origin of those rehoused by the Council.
8. To operate the approved Redecoration Allowance Scheme.

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9. To manage, acquire, let and dispose of garages and garage sites in accordance with Council Policy, to demolish vacant garages and storage compartments where these are not required or are in a dangerous condition and to take action including possession proceedings for the recovery of arrears.
  10. To take timely appropriate action to recover all current and former tenant rent and service charge arrears, including Court action for possession.
  11. In relation to the Borough Council area to take all action to ensure eviction of tenants who are, or accommodate individuals, who receive ASB orders from Her Majesty's Courts Service [HMCTS]
  12. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person where he considers it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
  13. To serve Notices of Seeking Possession of Council dwellings for all the grounds of possession specified in Schedule 2 to the Housing Act 1985 and instruct the Head of Legal & Democratic Services to commence possession proceedings on grounds 1 and 3 to 16 of Schedule 2 to the Act as amended.
  14. To instruct the Head of Legal & Democratic Services to commence possession proceedings on Ground 2 and 2A of Schedule 2 to the Housing Act 1985 as amended and:
    - (a) to instruct the Head of Legal & Democratic Services to apply for Warrants for Eviction
    - (b) to instruct the Head of Legal & Democratic Services to apply for injunctions for breach or anticipated breach of the terms of a Tenancy Agreement
  15. To instruct the Head of Legal & Democratic Services to apply for:
    - (i) injunctions under the provisions of Section 153A-E of the Housing Act 1996 and to apply for a Power of Arrest to be attached to an injunction if appropriate
    - (ii) injunctions for breach of the Council's Tenancy Agreement
    - (iii) an application for Committal for breach of an injunction obtained under part (i) and/or part (ii) above
  16. To serve Notices to Quit in respect of land, Council dwellings, garages and garage sites and to authorise the Head of Legal & Democratic Services to institute possession proceedings if a Notice to Quit is not complied with.
  17. To authorise the Head of Legal & Democratic Services to institute possession proceedings in respect of unauthorised possession of land, Council dwellings and garages.
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18. To arrange, at his discretion, for replacement of broken or cracked glass in Council dwellings.
19. To make up to a 50% contribution to the cost of maintaining or renewing party fences which delineate the boundary of Council-owned land with private owner-occupiers provided the Council's standard of provision is adopted and that the cost does not exceed the Council's estimate of a reasonable charge for the necessary work.
20. To deal with requests to use sheltered housing scheme lounges for political surgeries on the following basis:
  - (i) Political meetings (meetings of political parties or general meetings with invited groups or the general public) be not approved.
  - (ii) Surgeries involving individual members of the public meeting with their elected representative (Councillor or MP) on a personal basis, be approved subject to reasonable conditions (to deal with Health and Safety and confidentiality issues especially) and subject to consultation with scheme residents.
  - (iii) Requests to hold other types of meetings continue to be referred to Cabinet for consideration.
21. To approve Council house adaptations for disabled persons in accordance with available budgets after consultation with the relevant Portfolio Holder, in appropriate cases.
22. To deal with all aspects of the Right to Manage Process, including the negotiation of necessary management arrangements.
23. To offer sole tenants the opportunity to include their partner/spouse on a new joint tenancy and additionally, in consultation with the Relevant Portfolio Holder, to assess individual cases and, in appropriate circumstances, to refuse or grant applications.
24. To grant tenancies to tenants, requiring housing related support services, and to charge for those services as appropriate.
25. To enter into contracts with the providers of housing related support services for the provision of those services to relevant Council tenants.
26. To enforce the provisions of the Anti-Social Behaviour Act 2004 as it relates to Tenancy Demotion Orders.
27. To apply the adopted guidance in relation to Housing Fire Safety in accordance with the relevant legislation.
28. To grant, in appropriate circumstances, Introductory Tenancies, subject to periodic review and extension if required.

29. To serve tenancy demotion notices in appropriate circumstances and operate an appeals process in accordance with the Demoted Tenants (Review) Regulations 2004.
30. To operate the Furnished Tenancy Scheme in accordance with Council Policy.
31. To operate and support the Tenants and Residents Forum and recognised Tenants and Residents Associations and Council approved tenant co-regulatory arrangements.
32. To make payments of compensation to tenants for improvements in accordance with Section 122 Leasehold Reform and Housing Urban Redevelopment Act 1993.
33. To authorise the carrying out of maintenance works to, non commercial local authority buildings and to certify all necessary accounts.
34. To facilitate the development and procurement of the repairs appointment system utilising BT/Lancashire in partnership with EPIX Systems Limited.
35. In consultation with the Portfolio Holder for Housing and Landlord Services , to make minor alterations to the Tenant Downsizing Scheme in order to make it appropriate and relevant.
36. In consultation with the Portfolio Holder for Housing and Landlord Services, to agree the Council's policy with regard to recognition criteria for tenant panels and to review and update the policy as required.
37. In consultation with the Portfolio Holder for Housing and Landlord, to determine whether tenant panels requesting recognition should be so recognised.
38. To update the Tenants and Residents Forum Consultation as appropriate.
39. In consultation with the relevant Portfolio Holder to make minor drafting updates and changes arising from new legislation as required to the Council Tenure Policy and Housing Allocations Policy.
40. In consultation with the Portfolio Holders for Housing and Landlord Services and Regeneration and Estates to enter into leases of Council dwellings where below social rents are deemed appropriate and, where this delegation is used, that it be reported via a Member Update and to the Landlord Services Committee (Cabinet Working Group).
41. To obtain all necessary consents, approvals and permissions and to enter all necessary documentation in relation to Council Housing Lease Arrangements.
42. To set garage rents at a level to maximise income for the HRA.



43. To exercise discretion in applying the policy of changing baths to showers in sheltered accommodation, ground floor flats and bungalows in properties with less than 3 bedrooms.
44. In relation to alleged behaviour affecting the Council's Housing Management function to instruct the Head of Legal & Democratic Services to apply for:
  - (i) injunctions under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (ii) a warrant of arrest for any breaches of an injunction obtained under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (iii) a variation or discharge of an injunction obtained under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (iv) a committal application on any breach of an injunction.
45. To service Notice Seeking Possession on the mandatory grounds specified in Section 84A of the Housing Act 1985.
46. To instruct the Head of Legal & Democratic Services to commence possession proceedings on Section 84A and Ground 2ZA of Schedule 2 of the Housing Act 1985 and apply for warrants for eviction obtained on this ground.
47. In consultation with the relevant Portfolio Holder, the relevant Head of Service to make minor updates and changes as required to the Decant Policy.
48. In consultation with the relevant Portfolio Holder, the relevant Head of Service to make minor updates and changes to the Garage Allocations and Management Policy.

**K. TO THE HEAD OF LEGAL & DEMOCRATIC SERVICES (AS MONITORING OFFICER & SENIOR LEGAL OFFICER)**

**(i) Procedural**

1. To act as Solicitor to the Council.
2. To seal and attest documents in accordance with Article 14 of the Constitution and to sign documents on behalf of the Council.
3. To enter into all Agreements (as Agent for Lancashire County Council as Highways Authority) under Section 38 of the Highways Act 1980 to adopt highways etc., and to enter into agreements (as Agent for United Utilities) under Section 104 of the Water Industry Act 1991 to adopt sewers etc.
4. To take all steps incidental to completing or obtaining the confirmation of any Order or other formal proceedings made by the Council.

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5. To affix the Seal of the Council on any documents assigning or transferring the liability for debts due to the Council from one person or body to another or any deeds of indemnity that may be needed.
  6. To take all necessary action, in consultation with the Corporate Director of Place & Community to discharge existing Agreements under Section 106 of the Town and Country Planning Act 1990 (formerly Section 52 of the 1971 Act).
  7. In consultation with the Corporate Director of Place & Community, and the Chairman of the Planning Committee, to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 requiring the cessation of use of land for the holding of car boot sales/markets on more than 14 days per annum on the sites and for the reasons set out in paragraph 3.7 of the reports to the Development and Planning Committee on the 2 October 1997 and 8 January 1998 and the time limit for compliance to be 7 days of such notices taking effect; to take proceedings in the event of non-compliance with the requirements of such Enforcement Notices and to take other appropriate action where it is considered expedient.
  8. To issue, serve and withdraw Breach of Condition Notices, Enforcement Notices and Stop Notices and to apply for Injunctions under the Town and Country Planning Acts in cases of urgency, after consultation with the Corporate Director of Place & Community, and the Chairman of the Planning Committee.
  9. To issue, serve and withdraw Temporary Stop Notices after consultation with the Corporate Director of Place & Community, and the Chairman of the Planning Committee and to take proceedings in the event of contravention of those Notices.
  10. To take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended) after consultation with the Corporate Director of Place & Community.
  11. To make orders, in consultation with the Corporate Director of Place & Community, to close roads in Ormskirk town centre under the Town Police Clauses Act 1847 in connection with 999 Day events and other events likely to cause congestion on roads in the town centre.
  12. To make, (and where appropriate, confirm without modification any unopposed Order) Footpath Orders, Traffic Regulation Orders, and Orders for the renaming of Streets under Section 18 of the Public Health Act 1925, when requested by the Corporate Director of Place & Community Services.
  13. To make Orders under Sections 257/8 of the Town and Country Planning Act 1990 and submit applications under Section 247 of that Act and Section 116 of the Highways Act 1980 to stop up, divert or extinguish highway rights when requested by the Corporate Director of Place & Community Services.
  14. To make Temporary Traffic Regulation Orders and issue Notices under the provisions of the Road Traffic Regulation Act 1984 (as amended) in cases where

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the Corporate Director of Place & Community Services is satisfied that such arrangements are necessary in accordance with the provisions of that Act.

15. To seek planning permission for development by the Council.
  16. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
  17. In consultation with the Head of Finance, Procurement & Commercial Services Services to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.
  18. To hear representations from applicants for registration as Motor Salvage Operators whose application is proposed to be refused/renewed/cancelled, renewal is to be refused or licence is to be cancelled and to decide whether or not to refuse/refuse to renew or cancel licences after the 14 day period during which representations may be made.
  19. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
  20. To apply to the Secretary of State for consent to make an Order(s) under Section 13 (Prohibiting Public Processions) and Section 14A (Prohibiting Trespassory Assemblies) of the Public Orders Act 1986 and to take all necessary action relating thereto, including the sealing of the said Order(s).
- N.B.** This authority shall be exercised upon receipt of an application from the Chief Officer Lancashire Police and following consultation if possible with the Leader of the Council or other member of the Cabinet.
21. To undertake the role of the Senior Responsible Officer (“SRO”) in accordance with the Code of Practice for covert surveillance/property interference and Covert Human Intelligence Sources (“CHIS”).
  22. To make amendments, as required, in consultation with the relevant Portfolio Holder to the Guide for Compliance with the Regulation of Investigatory Powers Act 2000.
  23. In accordance with the Regulation of Investigatory Powers Act 2000:
    - appoint a Single Point of Contact from Staff within the establishment in accordance with the requirements of the Act.
    - appoint an outside body to the role of Single Point of Contact, as required

24. To take all necessary action to ensure the effective provision of legal services to support the opening and operation of the Investment Centre, in consultation with the Corporate Director of Transformation & Resources.
25. To take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended) after consultation with the Corporate Director of Place & Community Services.

**(ii) Litigation**

1. To institute (including the laying of information and complaints), defend, and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal (including determining whether or not to prosecute) on behalf of and in the name of the Council and in particular in respect of all appeals against decisions of the Council or contraventions under any Enactment, Regulation, Order or Byelaw or, if appropriate, to give a formal caution or issue warning letters instead and to issue warning letters in respect of breach of licence conditions.
2. To instruct Counsel and obtain advice in relation to any matter, and to engage appropriate witnesses or external Solicitors (exemption from Contracts Procedure Rules and Financial Procedure Rules being made in respect thereof).
3. To settle proceedings of any description after consultation with the Leader and relevant Portfolio Holder or the Chairman of the appropriate committee together with the appropriate chief officer.
4. To institute proceedings for Injunctive Relief.
5. To authorise officers to appear in the Magistrates' and County Courts, and at Inquiries and Tribunals as appropriate.
6. To take all necessary action to protect the Council's market rights and to apply for injunctions when appropriate in relation thereto.
7. To institute proceedings under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to temporary markets.
8. To take all necessary action, (including the service of Discontinuance Notices, laying of information and prosecution) to secure the removal of any advertisement or signs displayed in contravention of the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
9. To serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70 of the Anti-Social Behaviour Act 2003 in consultation with the Corporate Director of Place & Community.

**(iii) Democracy**

1. To deal with any request for permanent changes to the Membership of Committees by Political Groups in accordance with their allocation of Committee places.
2. To make minor operational amendments to the Constitution subject to notice of any such amendment being given to all Members immediately after each alteration as set out in Article 15.02 (b).

**(iv) Standards**

1.
  - (a) To act under the “Standards Regime arrangements”
  - (b) To act under the pre-hearing and hearing procedures for Standards Committee determinations.
  - (c) To act under the procedure for Standards Committee investigations.
  - (d) To make minor amendments, in consultation with the Chairman of the Standards Committee, to the “Standards Regime arrangements” and the pre-hearing and hearing procedures for Standards Committee determinations and the procedure for Standards Committee investigations.
2. To disclose any information held by the Council to an Investigating Officer, whether confidential or otherwise and whether requested or not, which would in his opinion assist an investigation.
3. In consultation with the Chairman of the Standards Committee, in instances where the Independent Person/Reserve Independent Person is unavailable, to appoint Independent Persons from another authority on a temporary basis.
4. In consultation with the Leader and the Leader of the Opposition to grant dispensations, in cases of urgency.
5. To publish details of the address to which written allegations of breach of the Code of Conduct should be sent.
6. To update the procedures and develop the standard documentation to be used in dealing with written complaints of breach of the Code of Conduct and publish as required.
7. In consultation with the Chairman of the Standards Committee to update the Investigation Procedure, the Determination, Pre-Hearing and Hearing Procedures, for dealing with alleged breaches of the Council’s Code of Conduct and of the Codes of Conduct of the Parish Councils in the Borough of West Lancashire, as required.

**C. TO THE HEAD OF FINANCE, PROCUREMENT & COMMERCIAL SERVICES (AS SECTION 151 OFFICER)**

**(i) General**

1. To remit charges or to write off irrecoverable debts up to a limit of £25,000 in individual cases, and to remit or write off debts above £25,000 where any of the following apply:
  - (a) the debtor has gone into liquidation or bankruptcy and there is little likelihood of the debt being collected
  - (b) the debtor has moved or absconded and all enquiries to trace them have failed
  - (c) the debtor is in prison and has no means to pay
  - (d) the debtor has died and there is no estate.

All sums above £25,000 and not falling within the four categories above shall be reported for write-off to the Cabinet or Council as appropriate.

2. To be responsible for the accounting arrangements of the Council.
3. To submit claims for grant to government departments and other bodies in consultation with the appropriate chief officer.
4. To deal with the timetabling of estimates for submission to the Council.
5. To make imprest advances as is considered appropriate and instruct on the accounting requirements thereafter.
6. To make payments of all remuneration, compensation and other emoluments as may be deemed necessary.
7. To authorise refunds of superannuation contributions where employees have been dismissed for gross misconduct and where the Authority has suffered no financial loss.
8. To be responsible for the administration of the revenue and capital transactions of the Council.
9. To determine approved contributions to Parish Councils under Section 136 of the Local Government Act, 1972 in accordance with the Council Policy.
10. To approve and prioritise, in consultation with the relevant Portfolio Holder, bids for Parish Council Capital Schemes.
11. In consultation with the relevant Portfolio Holder to implement suitable arrangements for passing on funding which the Government will pay to the Borough Council but

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- which is intended for Parish Councils in relation to the localised Council Tax Support Scheme.
12. To make application for repayment of unclaimed compulsory purchase compensation.
  13. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman's complaints, such payments to be made from the appropriate budget.
  14. 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 proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
  15. In consultation with the Corporate Director of Transformation & Resources and the relevant Portfolio Holder to set the charge for dealing with requests under the Freedom of Information Act 2000 (if any).
  17. To undertake appropriate financial assessments and decide whether financial hardship exists and comment on what is "reasonable" (if anything) for "Appropriate Persons" to pay, so not to result in hardship, in cases where remediation works are to be undertaken to contaminated land.
  18. In consultation with the relevant Portfolio Holder be authorised to take all necessary action to apply the High Street Innovation Grant to the proposed uses where feasible and appropriate.
  19. To manage and administer the Richard Berry Charity, the Ruff Public Park and Pleasure Ground Charity and the Jervis Charity for which the Council acts as sole trustee and report the financial position and activity of these funds each year in the statement of accounts.
  20. In consultation with the Finance Portfolio Holder to decide whether to join or leave the Lancashire Business Rates Pool each year, and to enter into any necessary arrangements and to take all necessary actions to administer the pooling arrangements.
  21. To, in consultation with the Corporate Director of Place & Community, 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 to 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. (I'm not sure if this is still required)
  22. Together with the Corporate Director of Transformation & Resources be appointed as Directors of the Development Company known as Tawd Valley Development Limited.

23. To make investments in accordance with the Commercial Property Strategy, subject to approval of scheme funding of up to £5m by the Strategic Assets Purchasing Committee and approval by Council of schemes for over £5m.

24. To make and approve changes to the Social Value Policy to reflect any changes to Law or Regulatory Guidance .

**(ii) Audit**

1. To deal with the examination and audit of the accounting, financial and other transactions of the Council, including such investigations as may be deemed necessary.

2. In consultation with the relevant Portfolio Holder to update and amend the Anti-Fraud and Corruption Policy as appropriate.

3. In consultation with the Chief Operating Officer to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.

**(iii) Insurance**

1. To arrange insurance cover and to deal with the administration of all insurance arrangements and insurance claims, including any settlement of those claims uninsured up to a limit of £1,000 in each case, and to take all necessary action to establish, maintain and administer such insurance funds considered appropriate and to arrange for the provision of such insurance services considered necessary.

2. To deal with all Risk Management matters, including the appointment when necessary of external advisers.

**(iv) Housing Finance**

1. To use the services of debt collection agencies to trace former tenants with significant rent arrears where considered appropriate.

**(v) Treasury Management**

1. To manage the movement between the borrowing and long term liabilities figures within the Authorised Limit for external debt and the Operational Boundary.

2. To operate such banking arrangements as may be considered necessary.



3. To raise finance by way of leasing for vehicles, plant, machinery and equipment where this is the most efficient means of acquisition and there is an appropriate budget provision in place.
4. To be responsible for the financial administration of car loans.
5. To deal with the administration of loans advanced to outside bodies, including the inspection of business accounts prior to such advances being granted.
6. To take all executive decisions on borrowing, investment or financing in accordance with the CIPFA Code of Practice for Treasury Management in local authorities and to report to Council.
7. To deal with the financial arrangements of a Cycle to Work Scheme and to take all necessary action relating thereto.