

## **Part 2 – Responsibility for Functions**

### **Part 2.1 Responsibilities of Council**

Only the Council will exercise the following functions:

- a) adopting and changing the Constitution;
- b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of Housing Land Transfer;
- c) appointing the Leader;
- d) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them, subject to the rules on political balance;
- e) appointing representatives to outside bodies;
- f) adopting a members' allowances scheme;
- g) changing the name of the area
- h) conferring the title of honorary alderman or freeman;
- i) confirming the appointment and dismissal of the Head of Paid Service;
- j) confirming the dismissal of the Monitoring Officer or the Chief Finance Officer;
- k) making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal Bills; and
- l) all other matters which, by law, must be reserved to Council.

### **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 3 of this Constitution.

### **Part 2.2 Responsibilities of Committees**

#### **Policy and Resources Committee**

##### Composition (membership):

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority). The membership shall comprise of:

- a) the Leader of the Council, who shall be the Chairperson;
- b) the Deputy Leader of the Council, who shall be Vice-Chairperson (if there is more than one Deputy Leader then one will be designated as Vice-Chairperson at annual council); and

- c) such other members as are appointed by full council on a politically balanced basis.

Members of the Policy and Resources Committee may be designated by Full Council as Lead Member for any council function(s) or service area(s).

#### Terms of Reference (Functions)

The Committee is responsible for:-

- a) formulating, coordinating, implementing and monitoring corporate policies and strategies and the medium term financial plan (budget), which includes responsibility for any decision:
  - i. that relates to such matters to the extent that they are not reserved to full Council;
  - ii. on policy matters not reserved to full council or the responsibility of other committees; and
  - iii. to prepare the annual budget for recommendation to full Council;
- b) lead on behalf of the Council in matters concerning relationships with HM Government, and other major public and non-public bodies;
- c) undertake responsibility for decisions and policies in respect of corporate services, including, finance and investment, project support and risk management, strategic procurement and commercial strategies, ICT, property and asset management, human resources and organisational development, law and governance, communications and public affairs, emergency planning and business continuity;
- d) reviewing major projects and any project boards relating to projects having regard to capacity to deliver, corporate priorities and resources; and
- e) to approve any virements in budgets within the committee's responsibilities up to £100,000.

#### Sub-Committees

The Policy and Resources Committee may establish such sub-committees as it requires and may delegate responsibilities and set the terms of reference and membership of any of those Sub-committees. The Sub-Committees shall include the following: (to be completed following Annual Council)

#### Working Groups

The Policy and Resources Committee may establish such Working Groups as it requires and may delegate responsibilities and set the terms of reference and membership of any of those groups. Working Groups will not have any authority to make decisions but will make recommendations to the Policy and Resources Committee. The Working groups shall include the following: (to be completed following Annual Council)

## **Landlord Services Working Group**

### Membership

To be determined by Annual Council or the Policy and Resources Committee.

### Functions

- a. To ensure member/tenant co-regulation of landlord services as required by the social housing regulator.
- b. To consider report and recommendations from the Tenant and Resident Forum (TRF) and Tenant Scrutiny Group (TSG).
- c. To monitor delivery of all Landlord Services including performance reports and financial reports in relation to capital and revenue expenditure.
- d. To ensure all relevant strategies and policies in relation to Landlord Services are in place and updated as necessary.
- e. To consider all relevant consultation reports and respond appropriately.

## **Leisure Procurement Working Group**

### Membership

To be determined by Annual Council or the Policy and Resources Committee.

### Functions

- a. To consider the opportunities available for the procurement of a new partnership arrangement for the provision of leisure services, which would include significant capital investment for bulk sports provision, as outlined in the Key Action Plan of the Council's Leisure Strategy.
- b. To report recommendations to the Policy and Resources Committee

## **Tawd Valley Developments Working Group**

### Membership

To be determined by Annual Council or the Policy and Resources Committee.

### Functions

- a. To facilitate a cross party Working Group to allow meaningful and productive discussions to take place in relation to the future direction of TVDL.
- b. To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan.
- c. To assess any risks to the council offered by TVDL activities.
- d. To make recommendations to Policy and Resources Committee when appropriate.

## **Planning Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

#### **A. Functions relating to town and country planning**

- (1) Powers and duties relating to local development documents, which are development, plan documents.
- (2) Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended), a local planning authority.
- (3) Power to agree to confer additional functions on a joint committee.
- (4) Power to request the dissolution of a joint committee.
- (5) Power to determine applications for planning permission.
- (6) Power to determine applications to develop land without compliance with conditions previously attached.
- (7) Power to grant planning permission for development already carried out.
- (8) Power to decline to determine applications for planning permission.
- (9) Duties relating to the making of determinations of planning applications.
- (10) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (11) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- (12) Power to enter into agreements regulating development or use of land.
- (13) Power to issue a certificate of existing or proposed lawful use or development.
- (14) Power to serve a completion notice.
- (15) Power to grant consent for the display of advertisements.
- (16) Power to authorise entry onto land.
- (17) Power to require the discontinuance of a use of land.
- (18) Power to serve a planning contravention notice, breach of condition notice or stop notice.
- (19) Power to issue an enforcement notice.
- (20) Power to issue enforcement notices in relation to demolition of unlisted building in conservation area.
- (21) Power to issue a temporary stop notice.
- (22) Power to apply for an injunction restraining a breach of planning control.
- (23) Power to require proper maintenance of land.
- (24) Power to determine applications for listed building consent, and related powers.
- (25) Power to determine applications for conservation area consent.
- (26) Duties relating to applications for listed building consent and conservation area consent.

- (27) Power to serve a building preservation notice, and related powers.
- (28) Powers to acquire a listed building in need of repair and to serve a repairs notice.
- (29) Power to apply for an injunction in relation to a listed building.
- (30) Power to execute urgent works.
- (31) Power to issue enforcement notice in relation to demolition of listed building in conservation area.
- (32) Power to approve sites for entry into Part 2 of the Brownfield Land Register and so grant Permission in Principle.
- (33) Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register.
- (34) Power to determine applications for Permission in Principle.
- (35) Power to determine applications for Technical Details Consent.

## **B. Functions relating to public rights of way and miscellaneous**

- (1) Power to create footpath or bridleway by agreement.
- (2) Power to create footpaths and bridleways.
- (3) Power to stop up footpaths and bridleways.
- (4) Power to determine application for public path extinguishment order.
- (5) Power to make a rail crossing extinguishment order.
- (6) Power to divert footpaths and bridleways.
- (7) Power to make a public path diversion order.
- (8) Power to make a rail crossing diversion order.
- (9) Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- (10) Power to decline to determine certain applications.
- (11) Duty to assert and protect the rights of the public to use and enjoyment of highways.
- (12) Duty to serve notice of proposed action in relation to obstruction.
- (13) Power to apply for variation of order under section 130B of the Highways Act 1980.
- (14) Power to authorise temporary disturbance of surface of footpath or bridleway.
- (15) Power to extinguish certain public rights of way.
- (16) Power to extinguish public right of way over land acquired for clearance.
- (17) Power to authorise stopping up or diversion of highways.
- (18) Power to authorise stopping-up or diversion of footpath or bridleway.
- (19) Power to extinguish public rights of way over land held for planning purposes.
- (20) Powers to relating to the protection of important hedgerows.
- (21) Powers relating to the preservation of trees.
- (22) Powers to deal with complaints about high hedges

### Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above.



(f)	Application to vary Designated Premises Supervisor	If Police representation(s) have been made
(g)	Application for transfer of premises Licence	If Police representation(s) have been made
(h)	Application for Interim Authority	If Police representation(s) have been made
(i)	Application to review Premises Licence/Club Premises certificate	All cases
(j)	Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases
(k)	Determination of an objection to a Temporary Event Notice	All cases
(l)	Application from a Community Premises to remove the requirement for Designated Premises Supervisor	If Police representation(s) have been made

(2) To deal with relevant provisions of the Gambling Act 2005.

Application for premises licence	where representations have been received and not withdrawn
Application for a variation to a licence	Where representations have been received and not withdrawn
Application for a transfer to a licence	Where representations have been received from the Commission
Application for a provisional statement	Where representations have been received and not withdrawn
Review of a premises licence	All cases
Application for a club gaming/club machine permits	Where objections have been made (and not withdrawn)
Cancellation of a club gaming/club Machine permits	All cases
Decision to give a counter notice to temporary use notice	All cases

To set all fees as required by the Act

- (3) Power to license sex shops and sex cinemas in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## **Licensing and Appeals Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority), subject to the requirement that it must comprise of between 10 and 15 members.

### Functions

#### ***Licensing***

- (1) Power to issue licences authorising the use of land as a caravan site ("site licences").
- (2) Power to license the use of moveable dwellings and camping sites.
- (3) Power to license hackney carriages and private hire vehicles.
- (4) Power to license drivers of hackney carriages and private hire vehicles.
- (5) Power to license operators of hackney carriages and private hire vehicles.
- (6) Power to license performances of hypnotism.
- (7) Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- (8) Power to license pleasure boats and pleasure vessels.
- (9) Power to license market and street trading.
- (10) Duty to keep list of persons entitled to sell non-medicinal poisons.
- (11) Power to license dealers in game and the killing and selling of game.
- (12) Power of register and license premises for the preparation of food.
- (13) Power to license scrap yards.
- (14) Power to license the breeding of dogs and cats
- (15) Power to licence the selling of animals as pets
- (16) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- (17) Power to license zoos.
- (18) Power to license dangerous wild animals.
- (19) Power to license the boarding of cats and dogs
- (20) Power to license the hiring out of horses
- (21) Power to license the keeping or training of animals for exhibition
- (22) Power to discharge the functions of the Council as "Licensing Authority" under The Animal Welfare Act 200
- (23) Power to set all fees as required by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- (24) Power to license knackers' yards.
- (25) Power to license persons to collect for charitable and other causes.
- (26) Power to grant consent for the operation of a loudspeaker.
- (27) Power to grant a street works licence.
- (28) Powers under the Highways Act 1980 granted to Borough Councils or under agency from Lancashire County Council.
- (29) Power to approve meat product premises.



- (30) Power to approve premises for the production of minced meat or meat preparations.
- (31) Power to approve dairy establishments.
- (32) Power to approve egg product establishments.
- (33) Power to approve fish products premises.
- (34) Power to approve dispatch or purification centres.
- (35) Power to register fishing vessels on board which shrimps and molluscs are cooked.
- (36) Power to approve factory vessels and fishery product establishments.
- (37) Power to register auction and wholesale markets.
- (38) Duty to keep register of food business premises.
- (39) Power to register food business premises.
- (40) Functions under any one of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc., Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.
- (41) Power to make closing order with respect to take away food shops.
- (42) Functions under the Motor Salvage Operators Regulations 2002
- (43) Functions under Part 1 of the Vehicles (Crime) Act 2001 in relation to the registration of motor salvage operators.
- (44) All decisions under Sections 160 to 173 of the Equality Act 2010.
- (45) All functions in relation to the Scrap Metal Dealers Act 2013.

N.B. Where there is a power to fix, increase or amend charges or fees then this is included in the Committee’s functions in respect of the above.

### ***Appeals***

- (46) To determine appeals from market stall holders whose occupancy of a stall is suspended or is terminated.
- (47) In respect of applications for discretionary rate relief and hardship rate relief, to determine any appeals in connection therewith.
- (48) To consider and determine any requests for reviews from applicants in respect of the assessment of housing allocation entitlement, housing transfers, entry or removal from the housing register and homelessness decisions.
- (49) To determine appeals in respect of Discretionary Housing Payments.
- (50) To consider and determine appeals in accordance with Section 12 of the Policy for the Provision of Housing Renewal Assistance in West Lancashire 2008.

### **Delegations**

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

## **Standards Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

The Standards Committee will have the following roles and functions:

- a. promoting and maintaining high standards of conduct by councillors and co-opted members and operating the “Standards regime – arrangements” as appropriate;
- b. assisting councillors and co-opted members to observe the Members’ Code of Conduct;
- c. advising the Council on the adoption or revision of the Members’ Code of Conduct;
- d. monitoring the operation and effectiveness of the Members’ Code of Conduct;
- e. advising, training or arranging to train councillors and co-opted members on matters relating to the Members’ Code of Conduct;
- f. granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members’ Code of Conduct;
- g. dealing with any reports from the monitoring officer on any matter which is referred to the monitoring officer;
- h. approving and reviewing procedures for the initial assessment of alleged breaches of the Codes of Conduct for Members;
- i. approving and reviewing procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;
- j. the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- k. advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- l. advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- m. advising the Council on the adoption and subsequent review of the Council’s Whistleblowing Code;

### Delegations

The Committee shall exercise full powers, duties and functions as set out above.

## **Assessment Sub Committee**

### Membership

The Sub-Committee to consist of 3 Members, selected by the Head of Legal & Democratic Services, in consultation with the Chairperson of the Standards Committee.

### Functions

To make decisions as to whether to investigate a complaint referred to the Sub-Committee by the Monitoring Officer or to take no further action.

### Delegations

Full authority to determine all matters as appropriate

## **Hearings Sub Committee**

### Membership

The Sub-Committee to consist of a maximum of 5 Members selected by the Head of Legal & Democratic Services, in consultation with the Chairperson of the Standards Committee.

### Functions

To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.

### Delegations

Full delegation to determine all matters as appropriate.

### ***Note for Sub Committees:***

Membership and chairmanship of sub committees do not have to be fixed. At least 3 members of the Standards Committee must be present.

## **Recruitment of Independent Members Panel**

### Membership

The Panel shall consist of 3 Members selected by the Head of Legal & Democratic Services in consultation with the Chairperson of the Standards Committee

### Functions

To assist in the recruitment of independent members by shortlisting and interviewing and making recommendations to the Council

### Delegations

To make recommendations to the Standards Committee and Council

## **Investigation and Disciplinary Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

## Functions

To consider disciplinary issues and take action required against senior officers (Chief Officers and Deputy Chief Officers), referred to the Committee by the proper officer as defined in Rule 10 of the Officer Employment Procedure Rules.

The Committee shall have the power to decide the matter on behalf of the Council, by either exonerating the officer, or, if they find misconduct, taking whichever form of disciplinary action is appropriate.

In the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer such dismissal must be approved by Council in accordance with the provisions of Rule 6 of the Officer Employment Procedure Rules.

## Delegations

This Committee shall exercise the full powers, duties and functions of the Council as set out above, except in the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer.

## **Independent Panel**

### Membership

The Panel shall consist of the Council's two independent persons. If the Council's independent persons are unable to attend any meeting of the Panel the Head of Legal and Democratic Services may appoint independent persons of other authorities in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as amended.

### Functions

To consider any proposal made by the Investigating Committee to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and to make any recommendations or comments for consideration by full council as it considers appropriate.

### Delegations

None

## **Chief Officers Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

## Functions

1. To deal with all matters in respect of the appointment of chief officers and deputy chief officers and to make recommendations to full Council in respect of the appointment of the head of paid service in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.
2. To consider and determine all grievances lodged by the Head of Paid Service, chief officers and deputy chief officers.
3. To hear and determine Job Evaluation appeals from Chief Officers employed on JNC Conditions.

## Delegations

This Committee shall exercise the full power, duties and functions of the Council, except in the case of the appointment of the head of the paid service as set out above.

## **Audit and Governance Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

#### Audit Activity

1. To consider and approve the Internal Audit Charter.
2. To consider the Audit Manager's Annual Report and Opinion.
3. To consider reports dealing with summaries of Internal Audit Activity.
4. Where requested by the Audit Manager, to consider issues arising from specific internal audit reports.
5. To consider reports from the Audit Manager on agreed recommendations not implemented within a reasonable timescale.
6. To require the attendance at meetings of the Audit and Governance Committee, of any elected Member or Officer of the Authority in relation to internal audit reports.
7. To consider the external auditor's Annual Letter and other reports as requested by the external auditor.
8. To comment on the scope and depth of external audit work and to ensure it gives value for money.
9. To scrutinise Treasury Management activities.

## Regulatory Framework

10. To monitor Contract Procedure Rules, Financial Regulations and other provisions of the Constitution in so far as they contribute to the effectiveness of the Council's internal controls.
11. To consider any issue relevant to its responsibilities and functions referred to it by the Council, any committee, the Chief Operating Officer or Chief Officers.
12. To monitor the effectiveness of risk management and corporate governance processes in the Council.
13. To monitor the effectiveness of the Council's policies in relation to its Anti-fraud and Corruption Strategy and complaints process.
14. To review the production of the Authority's Annual Governance Statement.
15. To approve the Authority's Annual Governance Statement and commend its signing to the Leader and Chief Executive.
16. To consider the Council's arrangements for corporate governance and in particular in relation to the Local Code of Corporate Governance and recommend actions to promote best practice.
17. To consider the Council's compliance with its own and other published standards and controls in so far as these contribute to the adequacy of its framework of internal control.
18. To monitor (quarterly) the use of RIPA powers.

## Accounts

19. To approve the Statement of Accounts.
20. To consider The External Auditor's Report To Those Charged With Governance on issues arising from the audit of the accounts.
21. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit.

## Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above in numbers 1, 14 and 19.

The Committee will not be able to transact the powers, functions and duties reserved to Council, the Policy and Resources Committee, Standards Committee and other regulatory Committees.

## **Polling Districts and Polling Places Review Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

To consider and determine (as necessary) any interim review of Polling Districts and Polling Places within the borough and/or constituency.

### Delegations

The committee shall exercise full powers, duties and functions of the Council in relation to the carrying out of interim reviews of Polling Districts and Polling Places.

## **5. Forums**

### **Hackney Carriage and Private Hire Forum**

Membership – to be confirmed at Annual Council.

Constitution – See attached at Appendix 1.

### **Armed Forces Community Covenant Working Group**

Membership - to be approved at Annual Council

### Function

To develop and implement an Armed Forces Community Covenant Action Plan.

### **Food Insecurity Forum**

Membership – Cross-sector, led by a WLBC officer Directorate of Place and Community,

### Functions

To strengthen ties and support cross sector co-ordination and commit to a sustainable and dignified approach to tackling food insecurity in the borough.

In consultation with the Food Security Champion, to consider the opportunities identified within the research report from Iconic Consulting and where appropriate seek Council/committee approval for their implementation.

## **6. Joint Committees**

### **Arrangements to promote well-being**

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c. exercise on behalf of that person or body any functions of that person or body.

### **Joint arrangements**

- a. The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### **Access to information**

The Access to Information Procedure Rules in Part 3 of this Constitution Apply to any joint committee.

### **Delegation to and from other local authorities**

- a. The Council may delegate functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The decision whether or not to delegate functions to another Council or another Cabinet or to accept such a delegation from another local authority shall be reserved to the Council meeting.

### **Contracting out**

The Council, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.



## **Police and Crime Panel**

### Membership

The Panel shall consist of 18 Elected Members (1 from West Lancashire to be appointed by full council) plus 2 independent co-opted members)

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

### Functions

- (a) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- (b) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- (c) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Operating Officer, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- (d) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- (e) To review and make a report and recommendation (as necessary) on the proposed precept.
- (f) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of their functions.
- (g) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- (h) To support the effective exercise of the Commissioner's functions.
- (i) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- (j) To appoint, if necessary, an Acting Police and Crime Commissioner.
- (k) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

## 7. Remuneration Panels

### Independent Remuneration Panel

#### Membership

To be appointed by full council.

#### Function

- (a) In accordance with the Local Government Act 2000 to review and report to the Council on the Members' Allowances Scheme.
- (b) To make recommendations to the Council as to the amount of basic allowance which should be payable to elected members.
- (c) To make recommendations to the Council about the roles and responsibilities for which a special responsibility allowance should be payable and the amount of each such allowance.
- (d) To make recommendations as to whether the Council's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and, if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- (e) To apply Best Value principles in relation to the allowances under consideration.

### Parish Independent Remuneration Panel

#### Membership

To be appointed by full council

#### Function

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 to produce a report in relation to the Councillors of Parishes in West Lancashire making recommendations as to:

- (a) the amount of parish basic allowance payable to members of such authorities;
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;
- (c) whether parish basic allowance should be payable only to the chairperson of any such authority or to all its members;
- (d) whether, if parish basic allowance should be payable to both the chairperson and other members of any such authority, the allowance payable to the chairperson should be set at a level than that payable to the other members and, if so, the higher amount so payable; and
- (e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

## **Part 2.3 – Scheme of Delegation to Officers**

### **2.3A Delegations to the Chief Operating Officer**

1. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough. Any urgent matter arising between meetings which cannot await a decision at the next meeting and which has not been formally delegated to an Officer, shall be considered by the Chief Operating Officer or relevant Corporate Director; under their emergency powers, in consultation with the Leader and relevant Lead Member or the Chairperson of the appropriate Committee, where it is in the interests of the Council and it is impracticable or inappropriate to call a meeting.
2. To approve and issue all official publicity, press statements and official publications which do not fall within the remit of any Corporate Director or Head of Service.
3. To exercise a power delegated to any officer when that officer is unable or unwilling to act.
4. To deal with requests for permission to reproduce the Coat of Arms of the Council.
5. To deal with matters concerned with civic and ceremonial occasions together with civic hospitality, after consultation with the Mayor (Chairperson of the Council) and the Leader of the Council.
6. To sign and seal documents in accordance with Section 3.8 (Finance, Contracts and Legal Matters) of the Constitution.
7. To amend the list of politically restricted posts as appropriate (Local Government and Housing Act 1989).
8. To determine, after consultation with the Leader those chief officer vacancies where the members will be involved in the recruitment process.
9. To set up appropriate consultation arrangements with Trade Unions and Staff Representatives including the operation of the Corporate Consultative Group.
10. To take decisions, after consultation with the Leader of the Council, to support staff in private prosecutions in cases where staff have been subject to assault.
11. To appoint Inspectors under the provisions of Section 110A of the Social Security Administration Act 1992 and such Inspectors to enter business premises and to make enquiries in accordance with the provisions of Section 110B of the Social Security Administration Act 1992.
12. To conduct procedures relating to discipline and capability for all officers.
13. To appoint external advisers to assist in the conducting of disciplinary investigations and to appoint external consultants to assist in conducting grievance investigations.

14. To make exemptions to Contracts Procedure Rules where they are satisfied the exemption is justified in special circumstances subject to a report back in the appropriate "Members Update."
15. To act under the Council's Standards Committee procedures.
16. To submit, in consultation with the Leader of the Council, nominations for invitations to His Majesty's Royal Garden Parties.
17. To update as necessary the Monitoring Officer Protocol (Section 4.2) in consultation with the Leader of the Council.
18. To introduce arrangements to ensure that they are aware of and satisfied with the exercise by the Council of the powers under the Regulation of Investigatory Powers Act 2000 and to authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.
19. To act in the capacity of Designated Person in compliance with the Regulation of Investigatory Powers Act as required.
20. To authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.
21. To make appointments to outside bodies made by the Council, in consultation with the Leader of the Council.
22. In consultation with the Lead Member, to put forward nominations for council nominated governorships, should any councillor wish to put their name forward, for appointment by Lancashire County Council as a School Governor.
23. To amend, in consultation with the Head of Legal & Democratic Services and the Head of Finance, Procurement & Commercial Services, and re-issue the Protocol for Partnership Arrangements.
24. In relation to the Indemnity for Officers and Members to give prior authorisation where the defence of defamation proceedings, criminal proceedings or Code of Conduct proceedings is involved.
25. To submit claims for grants to government departments and other bodies (in consultation with the relevant Corporate Director or Head of Service, if appropriate) and applications for funding, receive the said funding and administer thereafter.
26. In consultation with the Leader to review and determine future subscriptions to outside bodies and organisations, including provision to give relevant notices.
27. In relation to Assets of Community Value, to carry out listing reviews and compensation reviews as the Officer of appropriate seniority and to make the relevant decision, under the Assets of Community Value (England) Regulations 2012.

28. To designate/re-designate Polling Places within the Borough to suitable venues in consultation with the Leader, the Leader of the main opposition group and the Ward Councillors, in exercise of the powers conferred by Sections 18A, 18B, 18C, 18D and 31 of the Representation of the People Act 1983 (as amended).
29. To issue vary or discharge closure notices for a maximum 48 hour period under Part 4 Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
30. In consultation with the Leader, to determine all matters, as the Shareholder for Tawd Valley Development Company, on behalf of the Council.

## **2.3B Delegations to the Corporate Director Of Place & Community**

### **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 work 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 in consultation with the relevant Lead Member, 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.
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 Lead Member, 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 Relevant Lead Member.

**(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.
  - (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.
  - (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 Policy and Resources Committee.
  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 their 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 Relevant Lead Member 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 Chairperson 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 Chairperson 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 Lead Member 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 Lead Member 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 Lead Member develop an Assistance Package for private owners to enable them to be part of a comprehensive Energy Efficiency Scheme

**REGULATORY SERVICES**

(i) **Corporate Health and Safety**

1. To update the Corporate and Community Services Enforcement Policies, in consultation with the relevant Lead Member, 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 (Committee/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 Lead Member.
3. To implement, publish and keep under review the Safeguarding Policy 2019, thereafter to update the Safeguarding Policy as necessary and to nominate an officer as the Designated Safeguarding Officer.
4. In consultation with the relevant Lead Member, to progress and (as appropriate) confirm the Council's membership of the Integrated Care Partnership/Multi Speciality Community Provider (ICP/MCP) and to provide 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
    - 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 Lead Member 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.
- 13. To appoint offices as “authorised persons” under the relevant legislation/regulations, 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 they deem 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 Lead Member 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 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:-
  - (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, Leader 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 Lead Member.
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 Leader to determine what proportion of costs to be recovered from “Appropriate Persons” where remediation works are to be undertaken to contaminated land.
42. In consultation with the relevant Lead Member and in accordance with the provisions of the The Environmental Damage (Prevention and Remediation) Regulations 2009:
  - (a) to serve any notices
  - (b) to withdraw notices, if necessary
43. 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 Lead Member 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 Lead Member 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 Lead Member, to approve minor changes to the Noise Management Policy that do not affect service delivery.
47. In consultation with the relevant Lead Member, 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 Space Protection Order.
50. In consultation with the relevant Lead Member, 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 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 licences, permits and registration functions set out below in accordance with the established policies of the Council, subject to the proviso that where they are 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:-

- |     |  |  |
|-----|--|--|
| (a) | Application for Personal Licence   | If no Police representation(s) have been made.                           |
| (b) | Application for Premises Licence/<br>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/<br>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.

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 Chairperson 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 Disclosure and Barring Service (DBS) check is required when the application for renewal is not accompanied by the appropriate DBS application form.
10. To object to the Traffic Commissioners, to applications for the grant of Public Service Vehicles Licenses in cases where they consider 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 they are 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.
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 tender exercises and award contracts for MOT testing of private hire and hackney carriage vehicles licensed by the Council, in consultation with the relevant Lead Member and, in this respect, to advertise in the local press, without compliance with Contract Procedure Rules, 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 they are 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 Licenses and Club Premises Certificates for non-payment of annual fees in accordance with the Licensing Act 2003.

**(iv) Community Safety**

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 Leader.
    - 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 and the relevant Lead Member 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 Lead Member to publish the CCTV Annual Report.
9. 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;
  - (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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. To issue Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
16. 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.
17. 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.
18. To issue fixed penalty notices, where they deem 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.
19. 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.
20. 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.
21. To designate authorised officers to carrying duties specified under Sections 51, 63 and 85 of the Anti-Social Behaviour, Crime and Policing Act 2014.
22. To issue Public Spaces Protection Orders in consultation with the relevant Lead Member, except where the Prohibitions relates to alcohol, where the Chairperson of the Licensing and Gambling Committee shall be consulted.

23. 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 Lead Member, 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 Home loss, 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 Lead Member, to the Homes and Communities Agency, Department for Levelling Up Housing and Communities and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Policy and Resources Committee or Council as appropriate.
9. In consultation with the relevant Lead Member, 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 they consider such charges to be irrecoverable except where they 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 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

18. 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.
19. 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
20. 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)
21. To authorise the service of Notices requiring information as to the ownership of land/premises.
22. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person when they consider it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
23. 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.
24. Be authorised to work with Helena Partnerships to develop and implement an Empty Homes Lease and Repair Scheme.
25. In consultation with the relevant Lead Member, to review and update the Empty Homes Lease and Repair Scheme as required.

26. In consultation with the relevant Lead Member, to review and make future changes to the Disabled Adaptations Policy in light of any legislative or economic changes.
27. 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.
- (a) In consultation with the relevant Lead Member, prepare and publish the 'Statement of Principles' which it proposes to follow in determining the amount of a Penalty Notice.
28. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).
29. 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.
30. The authority to administrate and enforce the relevant provisions of the Building Safety Act 2022.
31. To appoint Officers where appropriate under the Building Safety Act 2022.

## **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 enter into agreements to allow event organisers to make appropriate charges for entrance and car parking at Beacon Country Park and other Pleasure Grounds.
5. To take such action as may be necessary, in respect of any use of Council Public Open Space facilities by fairs or circuses.

6. 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.
7. To let all public halls, games facilities, including public open space, swimming pool and facilities, in accordance with Council policy.
8. 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.
9. To determine applications for the use of Council bowling greens, without charge, for the purpose of holding approved competitions.
10. To determine applications for the use of Council squash facilities, without charge, for the purpose of staging events in aid of charity.
11. To determine applications for the use of all Council related leisure facilities for training schemes for children.
12. To arrange for the closure of recreational facilities including leisure centres, parks, recreation grounds, cafes or any facility managed, operated either directly or indirectly by the Service without notice, in emergencies in the interests of public safety.
13. 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.
14. To approve and issue all official publicity, press statements and official publications including social media/digital communications in relation to any aspect of the work or functions of the Service.
15. To alter Council charging policy for the purpose of protecting Council income, and in response to market forces. This is to include price increases or reductions of facility and activity charges for example (but not limited to)\_swimming charges, fitness suites, school holiday activities, schemes to increase the use of facilities including free use, all café charges, play, spa, sports (indoor and outdoor) participation including hire.
16. To determine the Council's continued involvement in the Green Partnership Awards Scheme in consultation with the relevant Lead Member.
17. In consultation with the relevant Lead Member, 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 they shall (in consultation) determine subject to all statutory and other relevant consents being obtained.
18. In consultation with the relevant Lead Member 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.

19. In consultation with the relevant Lead Member, to review existing allotment agreements and implement new agreements, including the revocation/variation of existing allotment rules and authorisations.
20. To issue agreements for societies, groups and individuals to use Council owned allotments.
21. To take all necessary steps to give effect to the management arrangements in respect of the Council's allotment holdings, including putting in place suitable agreements and leases and the obtaining of all necessary consents.
22. To take all steps necessary for the day-to-day control and efficient and effective delivery of the Council's Leisure Services including but not limited to the review of fees and charges, financial management, contract and procurement activities, engagement of contractors, determination of operating hours, communications, promotional activities, venue operating times, lettings, IT, policies and operating procedures, Health & Safety.
23. Decisions shall be further delegated to as close to the point of service delivery as is deemed appropriate in the circumstances.
24. All delegated powers must be exercised subject to adequate budgetary provision being available and in consultation with the Head Of Finance, Procurement & Commercial Services, 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 Lead Member, 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 relevant Lead Member to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts.
10. To administer the Community Right to Bid process, to include, in consultation with the relevant Lead Member, the consideration and determination of the listing of assets and compensation.
11. In consultation with the Leader to:-
  - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes England 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 West Lancs College/NCG 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).
12. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
13. In consultation with the Leader, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
14. In consultation with the Leader, 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.
15. In respect of the Moor Street Gateway Redevelopment Project:
  - a) in consultation with the Leader:-

- 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
- 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 Leader.
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 Leader, 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.

## **PLANNING SERVICES**

### **Note**

\*\* Notwithstanding the provisions contained below in items (i)1, (i)2, (i)9 and in Environmental Services (iv)1 above, 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.
3. To determine matters submitted in accordance with the requirements of conditions imposed on any formal approval or permission.
  4. In consultation with the Chairperson 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 they have 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 action save for those sites with expressed elected Member interest or sites of a controversial nature.

13. In consultation with the Chairperson 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 Chairperson 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 Chairperson 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 Lead Member, 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).
20. In consultation with the relevant Lead Member, 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.
21. 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**

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 Lead Member, prior to reporting to Council 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 Lead Member 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 Lead Member.
5. In consultation with the relevant Lead Member 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.
6. To publish the Annual Monitoring Report.

7. In consultation with the relevant Lead Member, to update the Local Development Scheme and publish it on the Council's website should any further iterations of the document be required.
8. In consultation with the relevant Lead Member, to assist in the Climate Change Strategy and Action Plan 2020 – 2030.
9. To take all steps necessary to implement and administer the Community Infrastructure Levy Regulations 2010 (as amended) and to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
10. To implement the provisions of the application process identified in the protocol for amending or adding names to Council owned War Memorials.
11. In consultation with the Leader, 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 Leader, to make any minor amendments to the protocol following its implementation.
12. In consultation with the Leader 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.
  - (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 Lead Member 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 Lead Member 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 relevant Lead Member 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**

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. In conjunction with the Head of Finance, Procurement & Commercial Services , to accept payments of Grants.
6. In consultation with the relevant Lead Member, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.

7. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
8. In consultation with the relevant Lead Member 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.
9. 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.
10. To administer the Community Right to Bid process, to include, in consultation with the relevant Lead Member, the consideration and determination of the listing of assets and compensation.
11. In consultation with the Leader to:-
  - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes England 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).
12. To determine, in consultation with the Leader, 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.
13. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
14. In consultation with the Leader 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 licenses, easements, permissions and all other matters necessary to facilitate the development.

15. In consultation with the Leader, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
16. In consultation with the Leader, 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.
17. In respect of the Moor Street Gateway Redevelopment Project:
  - c) in consultation with the Leader:-
    - 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.
18. That delegated authority be given to effect transfers to increase the allotment provision within the Borough.

## **2.3C Delegations to Corporate Director of Transformation, Housing & Resources; Head of Finance, Procurement and Commercial Services; and Head of Legal & Democratic Services**

### **A. Corporate Director Of Transformation, Housing & Resources**

#### **GRANTS & PROCUREMENT**

1. To approve, in consultation with the Funding of Voluntary and Other Organisations Voluntary 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. In consultation with the relevant Lead Member 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.
4. To produce and update as appropriate a Procurement Action Plan for the Council, in consultation with the relevant Lead Member.

### **COMMUNICATIONS & ENGAGEMENT**

1. To appoint consultants to undertake external consultations as required to assess customer opinion and feedback on all services, subject to there being appropriate budgetary provisions.

### **BUSINESS TRANSFORMATION & CHANGE**

1. To prepare and issue the Council Priorities Delivery Plan.
2. To make any necessary changes, in consultation with the Leader, to the performance management framework.
3. Together with the Head of Finance, Procurement & Commercial Services, be appointed as Director of the Development Company known as Tawd Valley Developments Limited.

### **STRATEGIC ICT**

1. To review and update as appropriate in consultation with the Leader 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.

### **BUSINESS SUPPORT**

1. To sign official certificates of search in the register of local land charges and after consultation with the relevant Lead Member to set the fee for a local search.
2. In consultation with the Leader and the relevant Lead Member 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.

### **CORPORATE COMPLIANCE & GOVERNANCE**

- 1.. 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.
2. . In consultation with the Leader, to make minor amendments to the Corporate Draft Recovery Policy for it to remain effective and relevant.
- 3.. To co-ordinate compliance with the requirements of the Data Protection legislation and to determine requests for disclosure of personal data.
- 4.. To make any consequential amendments to the Council's Data Protection Policy.
- 5.. To administer the Freedom of Information Act 2000 and to designate the Data Protection Officer to deal with requests under this Act.
- 6.. 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 Lead Member, to set the charge for dealing with requests under the Act (if any).
- 7.. To update the Council's "Dealing with Requests for Information – Guide for Staff" under the Freedom of Information Act 2000 in consultation with the Leader and the Opposition Spokesperson(s).
- 8.0. 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.
9. 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.

## **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 Leader to prepare and issue an annual addendum to the Parish and Town Council Charter.
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.
7. 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 Leader to prepare and issue an annual addendum to the Parish and Town Council Charter.

## **HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT**

1. To update and amend, in consultation with the Leader and appropriate Corporate Directors/Heads of Service, the Equality Diversity and Inclusion Objectives.
2. To report, as appropriate, progress against the Equality Scheme.
3. To update and amend, in consultation with the Leader, 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 Leader, all Human Resources and Organisational Development Policies to ensure that the Council complies with current legislation and developing good practice.
5. To determine, in consultation with the Leader, 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 Leader.

7. To action any of the Employers discretions contained in the LGPS Employer Discretions Policy Statement, in consultation with the Leader, subject to appropriate budgetary provisions being identified.
8. To implement increases in the Voluntary Living Wage from 1 December each year.

## **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 Lead Member. 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 Lead Member
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 the relevant Lead Member and where the financial consideration exceeds £20,000 approval shall be sought from Policy and Resources Committee.
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 and the relevant Lead Member.
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 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 the relevant Lead Member), 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 Lead Member 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.
19. In consultation with the relevant Lead Member 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 Lead Member be given delegated authority to make any minor or inconsequential amendments to the Leasehold Housing Management Policy 2022

## **BENEFITS, COUNCIL TAX & NNDR 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 relevant Lead Member, 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) Council Tax 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 £25,000 and not falling within the four categories above shall be reported for write-off to the Policy and Resources Committee 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.
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 Leader.
6. In consultation with the Leader, to finalise and implement the further Local Discretionary Business Rate Relief Scheme.
7. In consultation with the Leader to implement the Business Rate Reliefs announced in the Chancellor of the Exchequer's Budget Speech..

#### **(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.

### **HOUSING SERVICES**

#### **(i) 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 Lead Member,
  - (a) to make minor amendments to the Housing Strategy 2014-2019 and Year 1 Action Plan and
  - (b) thereafter to develop, , 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 Leader, to the Homes England, Department for Levelling Up Housing and Communities and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Policy and Resources Committee or Council as appropriate.
10. In consultation with the relevant Lead Member, 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. In accordance with S323(1) of the Companies Act 2006, to be a Director of ARCH on behalf of the Council along with the Leader, in order to attend any meeting and execute voting rights.
16. 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.
17. 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.
18. In consultation with the relevant Lead Member to set rent levels for new tenancies in Sheltered Housing in accordance with relevant regulations once these are in place.
19. In consultation with the relevant Lead Member, 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.
20. In consultation with the relevant Lead Member, 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.
21. In consultation with the relevant Lead Member to utilise one to one capital receipt funding together with HRA borrowing to acquire new properties subject to there being a satisfactory business case.
22. In consultation with the relevant Lead Member, 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.

**(ii) 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 Lead Member, 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.
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 His Majesty's Courts Service [HMCTS]
12. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person where they consider 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.
  18. To arrange, at their 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 Policy and Resources Committee for consideration.
  21. To approve Council house adaptations for disabled persons in accordance with available budgets after consultation with the relevant Lead Member, 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 Lead Member, 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 relevant Lead Member, to make minor alterations to the Tenant Downsizing Scheme in order to make it appropriate and relevant.
36. In consultation with the relevant Lead Member, 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 relevant Lead Member, 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 Lead Member 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 relevant Lead Member 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.
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 Lead Member, the relevant Head of Service to make minor updates and changes as required to the Decant Policy.
48. In consultation with the relevant Lead Member, the relevant Head of Service to make minor updates and changes to the Garage Allocations and Management Policy.

**B. 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 legal requirements 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.
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 Chairperson 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 Chairperson of the Planning Committee.
9. To issue, serve and withdraw Temporary Stop Notices after consultation with the Corporate Director of Place & Community, and the Chairperson 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 emergency services and armed forces 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 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 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.
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 Lead Member 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 Lead Member or the Chairperson 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.

**(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 Chairperson 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 their opinion assist an investigation.
- 3. In consultation with the Chairperson 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 Chairperson 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 Policy and Resources Committee 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 thereafter to receive payments and administer the funds accordingly.
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 Leader, bids for Parish Council Capital Schemes.
11. In consultation with the Leader to implement suitable arrangements for passing on funding which the Government will pay to the Borough Council but 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 Leader 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. 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.
19. In consultation with the Leader 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.
20. To make investments in accordance with the Commercial Property Strategy, subject to approval of scheme funding of up to £5m by the Policy and Resources Committee and approval by Council of schemes for over £5m.

**(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 Lead Member 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.

## **GENERAL**

1. That the Chief Operation Officer, Directors and Head of Service be given delegated authority to make any minor inconsequential amendments to any Policies, Strategies or other working practices which have already received Member approval whether by decision of a Committee or Record of Decision.
2. That any after the 15<sup>th</sup> May 2024 any references to "Cabinet" in the Constitution or any Policy, Strategy, Framework or any other document shall be automatically be replaced with the words "Policy & Resources Committee".

## **PART 2.4 PROPER OFFICER PROVISIONS**

### **1.0 INTRODUCTION**

- 1.1 This Document firstly sets out “Proper Officer” provisions and officer designations and secondly sets out a Scheme of Delegation which delegates powers and duties to officers under Section 101 of the Local Government Act 1972 and all other powers including the Local Government Act 2000 enabling such delegation. It is adopted with the intent that it continues the streamlining of the Council’s decision making processes and accordingly should be interpreted widely rather than restrictively.
- 1.2 Where legislation is referred to it shall be taken to include any Act or Acts extending or amending the same or incorporated therein.
- 1.3 For the purposes of the Scheme of Delegation Officers may only exercise delegated powers in accordance with
- (i) policies, plans and programmes approved by or on behalf of the Council
  - (ii) Contracts Procedure Rules and Financial Regulations unless specifically referred to
  - (iii) any statutory restrictions, Statutory Guidance or Codes of Practice

### **2.0 “PROPER OFFICER” PROVISIONS AND DESIGNATIONS**

2.1 The Council has:

- (a) designated officers to carry out particular functions which are, by statute, to be exercised by a particular officer and
- (b) designated officers to be the “Proper Officer” for the purposes of the references in various enactments where reference is made to the “Proper Officer” as follows:

(iv) **LOCAL GOVERNMENT ACT, 1972**

<b>Section</b>	<b>Description of Function</b>	<b>Proper or designated Officer</b>
13(3)	Parish Trustee of Body Corporate of Parish not having separate Parish Council.	Chief Operating Officer
83(1)-(4)	Officer to whom persons elected to any of the following offices of the Borough Council shall make declaration of acceptance of office: Chairperson (Mayor), Vice-Chairperson (Deputy Mayor) Councillor,.	Chief Operating Officer

84	The officer to whom a person elected to any office under the Borough Council may give written notice of resignation.	Chief Operating Officer
88(2)	The officer who may convene a meeting for the election of the Chairperson (Mayor) following a casual vacancy in that office.	Chief Operating Officer
89(1)(b)	The officer who may receive notice of a casual vacancy in the office of Councillor from two local government electors.	Chief Operating Officer
96(1)	Receipt of general notices of pecuniary interest.	Head of Legal & Democratic Services
96(2)	The officer who shall keep the record of disclosures of pecuniary interest under Section 94 and of notices under Section 96(1).	Head of Legal & Democratic Services
100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public.	Head of Legal & Democratic Services

<b>Section</b>	<b>Description of Function</b>	<b>Proper or designated Officer</b>
100B(7)(c)	The supply to the press of additional material supplied to members of the Council in connection with items of business to be discussed.	Head of Legal & Democratic Services
100C(2)	Preparation of a written summary of those parts of the proceedings of a committee, which disclose exempt information.	Head of Legal & Democratic Services
100D(1)(a) and (5) (a)	Identification of background papers and compilation of list of such documents.	Chief Officer / Corporate Directors responsible for report
100F(2)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by members of the Council.	Head of Legal & Democratic Services
115(2)	The officer who shall receive all money due from every officer employed by the Council.	Head of Finance, Procurement & Commercial Services
137A	The Officer who shall receive on deposit a statement (or any report or accounts) provided by an	Head of Finance, Procurement &

	organisation body or fund pursuant to Section 137A (1).	Commercial Services
146(1)(a)	The officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Head of Finance, Procurement & Commercial Services
151	The officer responsible for the proper administration of their financial affairs.	Head of Finance, Procurement & Commercial Services
191(2),(4) (b)	The officer to whom applications under Section 1 of the Ordnance Survey Act 1841 should be sent.	Head of Legal & Democratic Services
210(6) and (7)	Charities.	Head of Finance, Procurement & Commercial Services
225(1) and (2)	Deposit of documents.	Head of Legal & Democratic Services
*228(3)	Accounts of “any proper officer” to be open to inspection by any member of the authority.	Head of Finance, Procurement & Commercial Services

\*Section 228(3) applies automatically to any officer who is designated as “proper officer” for any purpose and who keeps accounts.

229(5)	The officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties
234(1) and (2)	The officer who may authenticate documents.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties



236(9) and (10)	The officer who is responsible for sending certified copies of Byelaws to appropriate bodies.	Chief Operating Officer
238	The officer who shall certify copies of Byelaws as true copies.	Chief Operating Officer
248 (2)	The officer who shall keep the roll of persons admitted to the freedom of a city or town.	Chief Operating Officer
Sch.12/para4 (1A) (b)	The officer who may authenticate a summons to Council meetings.	Chief Operating Officer
Sch.12/para 4(3)	The officer who may receive notice from a member of the address to which a summons to a meeting is to be sent.	Chief Operating Officer
Sch.14/para 25 (7)	The officer who may certify copies of resolutions passed under the Public Health Acts 1875 and 1925 as true copies for production in legal proceedings.	Chief Operating Officer
(v)	<b>LOCAL GOVERNMENT ACT 1974</b>	
30(5)	Publication of reports issued by Local Commissioner.	Head of Legal & Democratic Services
(vi)	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	
41	Certification of copies of resolutions, minutes and other documents.	Chief Operating Officer
(vii)	<b>HIGHWAYS ACT 1980</b>	
PART XI	Making up of private streets	Corporate Director of Place & Community
	<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>	
8	Registration of parliamentary and local government electors.	Chief Operating Officer
52(2)	Deputy Registration Officer	Corporate Director of Transformation, Housing & Resources
35	Returning Officer for the election of Borough and Parish councillors.	Chief Operating Officer

18 A, 18 B and 18 C & 31	Designation/re-designation of Polling Districts and Polling Places	Chief Operating Officer
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#### **CARE ASSISTANCE ACT 2014 (As Amended)**

<b>Section</b>	<b>Description of Function</b>	<b>Proper Officer</b>
47	Removal to suitable premises of persons in need of care and attention.	Director of Commissioning, NHS Central Lancashire or any other Executive Director on the NHS Central Lancashire on- call rota.

#### (viii) **PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984**

13,48,59 & 60	Various powers.	Consultant level staff in Cumbria and Lancashire Public Health England Centre
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#### **HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010**

Consultant level staff  
in Cumbria and  
Lancashire Public  
Health England Centre

#### **FOOD SAFETY ACT 1990**

49	Signing of documents.	Corporate Director of Place & Community
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#### (ix) **HOUSING ACT 2004**

4 and 239	Condition of any residential premises – official complaints and powers of entry.	Corporate Director of Transformation, Housing & Resources
249	Signing off a certificate of designation	Corporate Director of Transformation, Housing & Resources

#### (x) **LOCAL GOVERNMENT AND HOUSING ACT 1989**

2(4)	Deposit of lists of politically restricted posts.	Chief Operating Officer
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4	Head of Paid Service.	Chief Operating Officer
5	Monitoring Officer.	Head of Legal & Democratic Services
19	Members interests.	Chief Operating Officer
(xi)	<b>REGULATIONS MADE UNDER THE ACT</b>	
	The Local Government (Committees & Political Groups) Regulations 1990	Chief Operating Officer
	The Local Authorities (Members' Allowances) (England) Regulations 2003	Chief Operating Officer
(xii)	<b>LOCAL AUTHORITIES CEMETERIES ORDER 1977</b>	
	Management Regulation and Control of Cemeteries.	Corporate Director of Place & Community
	<b>LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 2006 SCHEDULE 3 AND LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006 SCHEDULE 2</b>	
Rule 50	Receipt from Returning Officer of the notice of the names of persons elected to the Council.	Corporate Director of Transformation, Housing & Resources
Rule 52	Registration Officer, receipt from Returning Officer of election documents.	Corporate Director of Transformation, Housing & Resources
Rule 53	Orders for the production of elections documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources
Rule 54	Retention of election documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources
(xiii)	<b>PARISH AND COMMUNITY MEETINGS (POLLS) RULES 1987</b>	
Reg 4	Returning Officer for the purpose of conducting Parish Polls	Chief Operating Officer
(xiv)	<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>	
114	Functions as regards reports	Head of Finance, Procurement &

Commercial  
Services

(xv) **ENVIRONMENTAL PROTECTION ACT 1990**

149 Seizure of stray dogs. Corporate Director  
of Place &  
Community

(xvi) **LOCAL GOVERNMENT ACT 2000**

Local Authorities (Referendums) (Petitions) (England) Chief  
Regulations 2011/2914 Operating Officer

Local Authorities (Conduct of Referendums) (England) Chief  
Regulations 2012 Operating Officer

Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001 - Appointment and dismissal of Head of Paid Service, Chief Officers and Deputy Chief Officers. Chief Operating Officer except in respect of the dismissal of the Head of the Paid Service when the Corporate Director of Transformation, Housing & Resources or Place & Community will be the proper officer.

**FREEDOM OF INFORMATION ACT 2000**

S36 The Officer authorised to fulfil the role of 'qualified person'. Corporate Director of Transformation, Housing & Resources (where absent Chief Operating Officer).

2.2 In the cases where the Proper or Designated Officer of the Council is absent or otherwise unable so to act, then the undermentioned officers be authorised to act as such Proper or Designated Officer:

<b>Proper Officer</b>	<b>Officer Designated to Act in the Absence of the Proper Officer*</b>
Chief Operating Officer	Corporate Director of Place & Community  Corporate Director of Transformation, Housing & Resources  Head of Planning & Regulatory Services

	<p>Head of Wellbeing &amp; Place Services</p> <p>Head of Environmental Services</p> <p>Head of Housing Services</p> <p>Head of Finance, Procurement &amp; Commercial Services (Section 151 Officer)</p> <p>Head of Corporate &amp; Customer Services</p> <p>Head of Legal &amp; Democratic Services (Monitoring Officer)</p>
Corporate Director of Place & Community	<p>Corporate Director of Transformation, Housing &amp; Resources</p> <p>Head of Planning &amp; Regulatory Services</p> <p>Head of Wellbeing &amp; Place Services</p> <p>Head of Environmental Services</p>
Corporate Director of Transformation, Housing & Resources	<p>Corporate Director of Place &amp; Community</p> <p>Head of Housing Services</p> <p>Head of Finance, Procurement &amp; Commercial Services</p> <p>Head of Corporate &amp; Customer Services</p> <p>Head of Legal &amp; Democratic Services</p>
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	<p>Corporate Finance Manager (Deputy S151)</p>
Head of Legal & Democratic Services (Monitoring Officer)	<p>Principal Solicitor (designated as the Deputy Monitoring Officer)</p> <p>Democratic Services Manager</p>

2.3 “Proper Officer” shall be taken to mean the Officer appointed above by the Council for the purpose of this Scheme or in default of such appointment, the Chief Operating Officer.

\* Where an officer is designated to act in the stead of the appointed officer this is on the basis that the designated person has responsibility for the relevant directorate or service, e.g. the Head of Housing would be the relevant officer under Housing

Act 2004, sections 4 and 239 (condition of any residential premises – official complaints and powers of entry).

### 3.0 DELEGATION TO OFFICERS

- 3.1 The following powers and duties are delegated to the officers named in 4.0 - 6.0 and Constitution 4.2A – 4.2C within the normal constraints of Council policy. Decisions shall be taken in the name of (but not necessarily personally by) that officer.
- 3.2 In the event of those officers being unavailable or unable to exercise the functions referred to, the following officers are authorised to act in their stead.  
(See also para 4.3 below).

Officer	Officer Designated to Act in their Stead	Matters
Chief Operating Officer	Corporate Director of Place & Community	All matters
	Corporate Director of Transformation, Housing & Resources	All matters, except matters relating to Tawd Valley Development Company
Corporate Director of Place & Community	Corporate Director of Transformation, Housing & Resources	All matters, except matters relating to Tawd Valley Development Company
	Head of Planning & Regulatory Services	All Building Control Planning Services (including Development Management, Local Plan, Strategic Planning, heritage & Conservation). All Environmental & Community Protection (including Food & Safety, Environmental Health, Private Sector Housing Standards, Licensing, Emergency Planning, Community Safety and ESAG Event Group).
	Head of Wellbeing & Place Services	All leisure facilities & contracts (including More Positive Together) All well being and community outdoor recreation (including the ranger service) All Economic Development & Regeneration (including Markets & Car Parking)

	<p>Head of Environmental Services</p>	<p>All Waste Management (including Waste Transfer Station and Fleet Services)  All Clean &amp; Green (including Environmental Enforcement, Technical Services, inc drainage, engineering, trees &amp; pest control.  All Environmental Sustainability</p>
<p>Corporate Director of Transformation, Housing &amp; Resources</p>	<p>Corporate Director of Place &amp; Community</p> <p>Head of Finance, Procurement &amp; Commercial Services</p> <p>Head of Housing Services</p> <p>Head of Corporate &amp; Customer Services</p>	<p>All matters</p> <p>All Financial &amp; Audit matters (including risk &amp; insurance), Procurement, Estates &amp; Valuation and Information Governance (DPO)  All Housing Regulations, quality &amp; strategy tenancy management (including independent living, homelessness, neighbourhood officers)  All Property Services (including facilities management, caretaking &amp; cleaning, compliance, DFGS, Investment, repairs &amp; maintenance investment)  All Income &amp; Inclusion matters</p> <p>All Business, Transformation &amp; Change, , Human Resources &amp; Organisation Development, Customer experience, communications &amp; engagement, business support and revenue &amp; benefits</p> <p>All Legal &amp; Democratic Services (including elections)</p>

	Head of Legal & Democratic Services	
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	Corporate Finance Manager (Deputy S151)	All matters designated to the Section 151 Officer
Head of Legal & Democratic Services (Monitoring Officer and most senior Legal officer)	Principal Solicitor (designated as the Deputy Monitoring Officer)  Principal Solicitor	All matters designated to the Monitoring Officer and legal matters  Legal matters

#### 4.0 DELEGATIONS TO BOTH THE CHIEF OPERATING OFFICER AND THE CORPORATE DIRECTORS

- 4.1 To manage buildings under their control.
- 4.2 To incur revenue expenditure/receive income within the Council's approved budgets subject to compliance with the Financial Regulations of the Council.
- 4.3 To incur expenditure on individual capital schemes or on design preparation of a scheme in accordance with Contracts Procedure Rules and Financial Regulations provided that, if the details of the Scheme vary significantly from that described in the capital budget, prior consultation takes place with the Leader or Chairperson.
- 4.4 To approve price variations under contracts containing fluctuation clauses and to authorise variation orders in accordance with Contracts Procedure Rules.
- 4.5 To maintain registers of contracts placed by them, where required.
- 4.6 To implement and take action under policies approved by the Policy and Resources Committee or the Council in consultation with the Leader.
- 4.7 To determine and approve, in consultation with the Chief Operating Officer, the regrading of posts in accordance with the job evaluation assessed grade for the duties, in their respective Services below those staff employed on chief officer conditions, within the approved service manpower budget subject to the right of staff to recourse to the appeals procedure.



- 4.8 To appoint, take disciplinary action against, (including suspending employees from work:
- (a) where the employee's continuing presence at work compromises disciplinary investigation or impairs the efficient exercise of the Council's functions and
  - (b) on medical grounds when supported by appropriate medical opinion. This includes the dismissal of staff on the grounds of inability to attend work on a regular basis due to ill health) or terminate appointments of all employees excluding those staff employed on chief officer conditions; subject, in the case of disciplinary action, suspension or termination, to the right of staff to recourse to the appeals procedure.
- 4.9 To grant special leave for urgent personal or domestic reasons, jury service, magisterial duties, trade union purposes, or for service on joint negotiating bodies and all other special and other leave covered in the appropriate Policies.
- 4.10 To grant, in consultation with the Chief Operating Officer, allowances and car loans for appropriate members of staff in accordance with the approved scheme and approve either essential, casual or no car categorisation of posts within their service in accordance with the agreed categorisation criteria.
- 4.11 To approve training courses, including seminars for staff.
- 4.12 To deal with lost or uncollected property.
- 4.13 To determine in accordance with agreed Council policies, all other personnel management matters within their Directorate or Services including changes to the establishment, the filling of casual vacancies, the employment of temporary staff, the employment of agency staff, the granting of overtime, the granting of merit increments, granting applications for leave under the family friendly policies provided that agreed budgets are not exceeded.
- 4.14 In consultation with the Chief Operating Officer and the Leader,
- (a) to approve or refuse applications for voluntary redundancy in accordance with the Council's Redeployment and Redundancy Scheme,
  - (b) to approve the retirement of the Green Book and Craft employees on the grounds of Ill Health Retirement in cases that are supported by the appropriate medical advice and recommendation,
  - (c) to approve the Payment of Preserved Pension benefits in line with the Local Government Pension Scheme Regulations and
  - (d) to approve the granting of Flexible Retirement in line with the Local Government Pension Scheme Regulations.
- 4.15 To determine grievances for all employees other than those employed on chief officer conditions.
- 4.16 To take all action in connection with the invitation of tenders or quotations for any scheme which has been approved in the appropriate capital or revenue budget or where funding is provided by an external source and to accept the lowest tender or quotation for the scheme, if payment is to be made by the Council, or the highest tender or quotation if payment is to be received by the Council; or the most suitable

tender where authorised by Council, Committee or sub-committee (as appropriate); or where the Chief Officer in consultation with the Leader determines (in accordance with this delegation) that best value for the Council would be achieved by considering factors in addition to cost in the tender evaluation process the successful tender/quotation identified by the application of that tender evaluation process, subject to the tender/quotation price not exceeding the amount which has been earmarked for that scheme in the capital or revenue budget and if the details of the scheme vary significantly from that described in the capital and revenue budget or when the external funding was agreed, prior consultation takes place with the Leader or Chairperson.

- 4.17 To remit charges or to write off debts which are deemed to be irrecoverable up to a limit of £25,000 in individual cases after consultation with the Head of Finance, Procurement & Commercial Services.
- 4.18 To dispose of obsolete property/equipment up to a value of £1,000 for each item.
- 4.19 In consultation with the Head of Finance, Procurement & Commercial Services, to write off any stock or stores deficiency less than £1,000 in value.
- 4.20 To select contractors to tender for work or the supply of services to the Council.
- 4.21 To take any action on behalf of the Council, following consultation with the Leader and relevant Lead Member or the Chairperson of the appropriate committee, in cases of urgency requiring immediate decisions, and where it would be unreasonable or impractical to convene a meeting.
- 4.22 To act as chief officers in accordance with the Code of Practice issued under the Criminal Procedure and Investigations Act 1996 and to appoint officers to undertake the appropriate duties as described in the Act and Code or any re-enactment thereof.
- 4.23 To sign statements of truth and to identify relevant officers falling within the definition “persons holding a senior position in the Council” for the purposes of signing statements of truth in relevant cases.
- 4.24 To engage specialist or consultant services where necessary, provided the costs are met from within agreed budgets.
- 4.25 After consulting with the Leader or the appropriate Chairperson or the Mayor, to respond to consultation papers where the timescale for reply does not allow time for consideration by the Policy and Resources Committee or by the Council, subject to a report back in the appropriate Members’ Update

**(Note: That, where practicable, the comments of a wider group of Members be sought on consultation documents via the e-mail system to inform those making the decision on a response.)**

- 4.26 To submit bids for external funding/grants in accordance with agreed Council policies where the timescale for submission does not allow time for consideration by the Policy and Resources Committee or by the Council subject to a report back in the appropriate Members’ Update.

- 4.27 Within their respective Directorates or Services to authorise persons to enter onto land/premises for any statutory purposes.
- 4.28 To instruct the Head of Legal & Democratic Services to take any action including the institution of court proceedings, for the recovery of Council land, buildings or property occupied by any third party without the licence, consent or other permission of the Council.
- 4.29 To authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.

(In practice this power is usually limited to the Chief Operating Officer, Corporate Director of Place & Community and Corporate Director of Transformation, Housing & Resources).

**N.B.** The Chief Operating Officer **must** authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.

- 4.30 To appoint officers to attend the Magistrates' Court to seek orders approving the grant or renewal of authorisations for direct surveillance, covert human intelligence sources and acquisition of communications data.
- 4.31 To make, in consultation with the Chief Operating Officer, enquiries in respect of previous convictions of prospective or current employees of the Council.
- 4.32 To exercise responsibility for the management and operation of their Directorates or Services in accordance with the established policies and practices of the Council.
- 4.33 To update the Directorate/Service Safety Policy and appendices as appropriate.
- 4.34 To sign documents as authorised by the Council or under delegated authority.
- 4.35 To determine, in relation to the Freedom of Information Act 2000, whether to release information in accordance with the procedures outlined in the Council's "Dealing with Requests for Information" document.
- 4.36 To authorise amounts of up to £10,000 to be taken from a reserve controlled by them provided that its use is in line with the stated purpose of the reserve.
- 4.37 To authorise the use of money from a reserve controlled by them in excess of £10,000 after consultation with the Leader provided that its use is in line with the stated purpose of the reserve.

NB. The Council's Reserves Policy sets out which Officer controls each reserve.