



<b>Report of:</b>	<b>Meeting</b>	<b>Date</b>	<b>Item No.</b>
The Leader of the Council (Cllr Gibson) and the Corporate Director of Resources (Philippa Davies)	Council	20 October 2011	13

## **SCHEME OF DELEGATION TO OFFICERS**

### **1. Purpose of Report**

- 1.1 To enable the Council's Scheme of Delegation to be updated to reflect the appointment of Heads of Service as part of the Council's new management structure

### **2. Outcomes**

- 2.1 Effective decision making and efficient administration of Council functions.

### **3. Recommendation**

- 3.1 That the revised Scheme of Delegation to officers set out in Appendix 1 be approved, with immediate effect, and included in Part 7.02 of the Constitution.

### **4. Background**

- 4.1 On 14 July 2011 the Council approved various changes to the Constitution, including a revised Scheme of Delegation to officers to reflect the new senior management structure comprising Garry Payne as Chief Executive, Philippa Davies as Corporate Director (Resources) and Michael Ryan Corporate Director (People and Places). That Scheme of Delegation, which took effect from 8 August 2011, also delegated some functions to the newly created Heads of Service posts. Since then the restructure of the Resources Directorate has been completed and the Heads of Service have been appointed. The Scheme of Delegation has now been reviewed again to ensure that tasks are allocated as clearly and efficiently as possible to the most appropriate officers.

### **5. Key Issues and Proposals**

- 5.1 The proposed new Scheme of Delegation is attached as Appendix 1.

**5.2** All amendments are shown as “track changes”. The main changes are:

- the delegation of some tasks previously allocated to Director level to Heads of Service.
- the specification of new arrangements for the commencement of legal proceedings.

**5.3** As with similar previous reports on minor technical changes of this nature, these proposals have not been considered by the Standards Committee, prior to the submission of this report to the Council.

<b>IMPLICATIONS</b>	
Finance	None arising directly from this report
Legal	The Council is required to have an up-to-date Scheme of Delegation to ensure that all decisions are taken lawfully.
Community Safety	None arising directly from this report
Equality and Diversity	None arising directly from this report
Sustainability	None arising directly from this report
Health and Safety	None arising directly from this report
Risk Management	The proposed arrangements for revising the Scheme of Delegation will minimise the risk of any decisions being taken unlawfully.
Asset Management	None arising directly from this report
Climate Change	None

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<b>List of Background Papers:</b>		
Name of Document	Date	Where available for inspection
None	-	-

### **LIST OF APPENDICES**

Appendix 1 – Revised Scheme of Delegation for inclusion in Part 7.02 of the Constitution.

## Scheme of Delegation to Officers

### General

The powers and functions referred to in this Section may be exercised by the designated officer.

All decisions taken must comply with the Council's approved budget, the Policy Framework, the Financial Regulations and Financial Procedure Rules and all other elements of this Constitution.

In the absence of the Chief Executive the functions of the Chief Executive will be the responsibility of any of the Directors.

A Director may authorise any member of his or her staff in writing to exercise some or all of his or her delegated powers. (If the Director is acting as Proper Officer, as specified in particular legislation, the exercise of the delegation of those specified functions will be carried out in the name of the Proper Officer only).

In the absence of a Corporate Director, the Chief Executive may exercise any of the powers delegated to the Corporate Directors, subject to any statutory limitations.

In the absence of a Head of Service the Chief Executive or any of the Corporate Directors may exercise any of the powers delegated to a Head of Service subject to any Statutory Limitations.

The Chief Executive or Corporate Directors may at any time waive the exercise of delegated powers and refer the matter to a Portfolio Holder, the Cabinet, the Council or a Regulatory Committee, as appropriate.

The exercise of delegated powers will in all cases be subject to any necessary consents by or on behalf of the Council or the Cabinet or Committee and to such statutory, ministerial or other consents as are necessary.

### **1. Authority Given to the Chief Executive (Head of the Paid Service)**

- (1) To exercise the functions of the Council's Head of Paid Service under Section 4 of the Local Government and Housing Act, 1989 and in this role:
  - to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff)
  - to give professional advice to all parties in the decision making process (the Cabinet, Overview and Scrutiny Committee, the Council and Regulatory Committees)
  - together with the Monitoring Officer, to be responsible for a system of record keeping for all the Authority's decisions
  - to represent the Authority on partnerships and external bodies (as required by statute or by the Authority).

- (2) To act as Returning Officer for elections, as appropriate.
- (3) As Returning Officer, to approve an annual increase in the Fees and Disbursements paid for Borough and Parish Elections, the amount of any increase to be equivalent to the amount of the latest local government pay award for administrative, professional and clerical employees, or the inflation rate at the time (as measured by the Consumer Price Index (CPI), whichever is the lower).
- (4) After consultation with the Chief Financial Officer (or his or her nominee), to authorise action and to incur expenditure in the event of emergencies or disasters (the Leader to be notified as soon as reasonably possible after the expenditure is incurred).
- (5) To suspend any of the Corporate Directors where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct (the members of the Cabinet to be notified as soon as possible after the action is taken).
- (6) To exercise overall responsibility for emergency planning and response arrangements under the provisions of the Civil Contingencies Act 2004 and Regulations 2005 and to appoint a deputy officer for such purposes.
- (7) To be the Designated Officer responsible for approving requests under Part IV of the Anti-Social Behaviour Act, 2003.
- (8) To approve, after consultation with the Chief Financial Officer, funding options from reserves and provisions in accordance with their purpose.
- (9) To provide the necessary authorisations in respect of surveillance in accordance with the Regulation of Investigatory Powers Act, 2000, where confidential information is involved and therefore a higher level of authorisation than the relevant Director is required.
- (10) To deal with all staffing management issues in relation to Corporate Directors.
- (11) To deal with applications from Corporate Directors to take up outside appointments or engage in outside work.
- (12) To determine following consultation with the Chief Financial Officer, the early release of any employees, except members of the Management Team provided that the proposals are cost – neutral to the Council over a specific period of time in accordance with the Council's Policy and Audit Commission requirements. (Any proposals for the early release of the Chief Executive or any Directors to be considered by the full Council).

## **2. Authority Given to the Chief Executive and Corporate Directors**

**NOTE:** In undertaking these functions there must be an awareness of the wider corporate responsibility to the Council as a whole with appropriate consultation taking place at Management Team.

- (1) To review and amend the structure and staffing levels of their Directorate within approved budget provision, and to fix commencing salaries or wages for such appointments and promotions as appropriate, in consultation with the officer responsible for strategic human resources.
- ~~(2) To engage specialist or consultant services where necessary if within an approved cost or estimate or provided that the cost does not exceed the limit over which expenditure may be transferred from one estimate head to another. (Financial Regulation number 1(13) refers).~~
- ~~(3) To place orders for the supply of goods or materials or for the execution of work within approved revenue estimates in accordance with applicable Financial Regulations and Financial Procedure Rules.~~
- ~~(4) To dispose of surplus vehicles, plant, machinery or equipment in accordance with applicable Financial Regulations and Financial Procedure Rules.~~
- ~~(5) (a) To accept, in accordance with Council procedure, the lowest tender submitted within the approved estimate (where the Council is paying) or highest (where the Council is receiving payment).~~  
~~(b) To accept, after consultation with and agreement by the Chief Financial Officer, other than the lowest tender in the event of there being a technical or financial discrepancy in the lowest tender, provided that all other procedures conform Financial Regulations and Financial Procedure Rules relating to Contracts.~~
- ~~(6) To approve transfer votes/virements in accordance with the limits contained within the Financial Regulations and Financial Procedure Rules as follows:~~
  - ~~(a) Virements of up to £1,000 — delegated to Budget Holder. The Authority's accounting system will not normally be updated to reflect these virements unless requested by the Budget Holder.~~
  - ~~(b) Virements of up to £15,000 — delegated to Corporate Directors with the approval of the Chief Financial Officer.~~~~(Note: Virements of over £15,000 — relevant Portfolio Holder approval required).~~
- ~~(7) To appoint temporary staff for a period of up to twenty four weeks provided that expenditure is contained within approved estimates.~~
- ~~(2)(8) To deal with probationary service.~~
- ~~(9) To operate national and local conditions of service.~~
- ~~(10) To settle claims for ex-gratia payments in respect of loss or damage to the personal property of employees in accordance with the Council's policy and Financial Regulations and Financial Procedure Rules.~~

- ~~(11) To grant car allowances in accordance with conditions of service.~~
- ~~(12) To grant ex-gratia leave of absence with or without pay up to 6 days per year in accordance with Council policy.~~
- ~~(13) To accept without pay students on recognised courses for periods of practical training.~~
- ~~(14) To authorise members of staff to attend conferences, seminars and similar functions provided costs can be met from within existing financial provision.~~
- ~~(15) To approve overtime working within approved estimates or in accordance with the planned overtime scheme.~~
- (3)~~(4~~  
6) To take disciplinary action against staff in accordance with agreed procedures.
- ~~(17) To deal with applications to carry forward leave from one year to the next up to a maximum of five days in accordance with agreed practice.~~
- ~~(18) To approve applications for job share where no additional financial burden would fall on the Authority.~~
- ~~(19) After consultation with the Chief Executive to extend the time limit for lodging and travelling allowances up to 12 months in total.~~
- ~~(20) To approve the payment of telephone rental charges in respect of those employees whose duties justify such allowances, subject to the necessary budgetary provision.~~
- ~~(21) To authorise attendance at trade and travel fairs within agreed financial limits.~~
- (4)~~(2~~  
2) To accelerate increments for employees who are determined, after consultation with the officer responsible for strategic human resources, to have acquired the specified level of competence within their grade.
- ~~(23) To approve expenditure on training and management development within allocated budgets and the Authority's adopted training plans and policies.~~
- (5)~~(2~~  
4) To deal with applications to take up outside appointments or engage in outside work for Officers above Grade 7.
- ~~(25) To deal with applications from employees for extension of service.~~
- ~~(26) To respond to consultations from central government and agencies and any other authorities, agencies or organisations on proposals relating to their respective areas of service.~~
- ~~(27) To submit bids, after consultation with the Chief Financial Officer, in accordance with Council policy, to Government and other relevant funding agencies relating to their respective areas of service.~~

- ~~(28) To apply for planning permission on behalf of the Council in accordance with the Town and Country Planning General Regulations, 1992.~~
- ~~(6)(2~~ In the absence of the Chief Executive to approve requests under Part IV of  
~~9)~~ the Anti-Social Behaviour Act 2003.
- ~~(30) To represent the Council as appropriate to their respective areas of service on external bodies, partnerships or at other forums.~~
- ~~(7)(3~~ To provide the necessary authorisations in respect of surveillance in  
~~4)~~ accordance with the Regulations of Investigatory Powers Act 2000.

### 3. Authority Given to Heads of Service

- ~~(1) To engage specialist or consultant services where necessary if within an approved cost or estimate or provided that the cost does not exceed the limit over which expenditure may be transferred from one estimate head to another. (Financial Regulation number 1(13) refers).~~
- ~~(2) To place orders for the supply of goods or materials or for the execution of work within approved revenue estimates in accordance with applicable Financial Regulations and Financial Procedure Rules.~~
- ~~(3) To dispose of surplus vehicles, plant, machinery or equipment in accordance with applicable Financial Regulations and Financial Procedure Rules.~~
- ~~(4) (a) To accept, in accordance with Council procedure, the lowest tender submitted within the approved estimate (where the Council is paying) or highest (where the Council is receiving payment).~~
- ~~(b) To accept, after consultation with and agreement by the Chief Financial Officer, other than the lowest tender in the event of there being a technical or financial discrepancy in the lowest tender, provided that all other procedures conform Financial Regulations and Financial Procedure Rules relating to Contracts.~~
- ~~(5) To approve transfer votes/virements in accordance with the limits contained within the Financial Regulations and Financial Procedure Rules as follows:~~
- ~~(a) Virements of up to £1,000 – delegated to Budget Holder. The Authority's accounting system will not normally be updated to reflect these virements unless requested by the Budget Holder.~~
- ~~(b) Virements of up to £15,000 – delegated to Corporate Directors with the approval of the Chief Financial Officer.~~
- ~~(Note: Virements of over £15,000 – relevant Portfolio Holder approval required).~~
- ~~(6) To appoint temporary staff for a period of up to twenty-four weeks provided that expenditure is contained within approved estimates.~~
- ~~(7) To operate national and local conditions of service.~~

- (8) To settle claims for ex-gratia payments in respect of loss or damage to the personal property of employees in accordance with the Council's policy and Financial Regulations and Financial Procedure Rules.
- (9) To grant car allowances in accordance with conditions of service.
- (10) To grant ex-gratia leave of absence with or without pay up to 6 days per year in accordance with Council policy.
- (11) To accept without pay students on recognised courses for periods of practical training.
- (12) To authorise members of staff to attend conferences, seminars and similar functions provided costs can be met from within existing financial provision.
- (13) To approve overtime working within approved estimates or in accordance with the planned overtime scheme.
- (14) To deal with applications to carry forward leave from one year to the next up to a maximum of five days in accordance with agreed practice.
- (15) To approve applications for job-share where no additional financial burden would fall on the Authority.
- (16) After consultation with the Chief Executive to extend the time limit for lodging and travelling allowances up to 12 months in total.
- (17) To approve the payment of telephone rental charges in respect of those employees whose duties justify such allowances, subject to the necessary budgetary provision.
- (18) To authorise attendance at trade and travel fairs within agreed financial limits.
- (19) To approve expenditure on training and management development within allocated budgets and the Authority's adopted training plans and policies.
- (20) To respond to consultations from central government and agencies and any other authorities, agencies or organisations on proposals relating to their respective areas of service.
- (21) To submit bids, after consultation with the Chief Financial Officer, in accordance with Council policy, to Government and other relevant funding agencies relating to their respective areas of service.
- (22) To apply for planning permission on behalf of the Council in accordance with the Town and Country Planning General Regulations, 1992.
- (23) To represent the Council as appropriate to their respective areas of service on external bodies, partnerships or at other forums.

**4.3. Authority Given to Individual Directors****(a) Corporate Director of Resources (Chief Financial Officer)**

- (1) To exercise all the functions of the Council's Chief Financial Officer including proper administration of the Council's financial affairs under Section 151 of the Local Government Act, 1972, Section 114, the Local Government and Finance Act, 1988 and the Accounts and Audit Regulations, 2011.
- (2) To approve funding options from reserves and provisions in accordance with their purpose.
- (3) To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Council's Treasury Management Policy Statement and Strategy.
- (4) To pay all accounts legitimately due to be paid by the Council.
- (5) To agree advances of petty cash for the various Service Units as are necessary.
- (6) To effect all insurances and manage the Council's Insurance arrangements.
- (7) To submit all claims for grant to Government Departments and other bodies.
- (8) To maintain an Internal Audit over the Council's activities.
- (9) To determine the local average interest rates for the purposes of paragraph 3 to Schedule 16 of the Housing Act, 1985.
- (10) To advise on all matters relating to national insurance and pensions contributions.
- (11) To grant or refuse loans for the repair, improvement, conversion or purchase of houses within the policies approved by the Council and to deal with applications to transfer existing mortgages.
- (12) To record and approve the write-off of bad debts without limit and to report these to the relevant executive member in cases where:
  - a) the debt has been remitted by the Magistrates under the provisions of regulation 48(3) of the Council Tax (Administration and Enforcement) Regulations 1992, or
  - b) the debt is the subject of an insolvency/bankruptcy and the Council has submitted a relevant claim covering the outstanding debt.

- (13) To record and approve the write-off of bad debts not covered by (12) above and to report these to the relevant executive member.
- (14) To waive approved fees and charges under exceptional circumstances.
- (15) To administer the Collection Fund on behalf of the Authority and make such payments out of the fund and receive such monies into the fund as are appropriate under Sections 89 and 90 of the Local Government Finance Act, 1988.
- (16) To settle any claim made against the Council or on its behalf not exceeding £6,000, after consultation with the Legal Services Manager and to report thereon to the Resources Portfolio Holder.
- (17) To approve transfer votes within the approved estimates in accordance with the limits contained in Financial Regulations.
- (18) To take summary proceedings in Magistrates' Courts for the recovery of Council Tax, and Business Rates under Schedule 9 to the Local Government Finance Act, 1988 and Council Tax penalties under Schedule 4 of the Local Government Finance Act, 1992.
- (19) To deal with refunds of Business Rates under paragraph 2(2)(j) of Schedule 9 of the Local Government Act, 1988 and Council Tax under paragraph 2(5)(b) of Schedule 2 of the Local Government Finance Act, 1992.
- (20) To make determinations and deal with all applications for Council Tax Transitional Relief, Business Rate Transition Arrangements and Small Business Relief.
- (21) To deal with all matters relating to appeals to a Valuation tribunal established under Schedule 11 to the Local Government Finance Act, 1988 or Section 15 of Local Government Finance Act, 1992.
- (22) To deal with applications for rate relief under Sections 43 and 47 of the Local Government Finance Act, 1988 in accordance with Council Policy.
- (23) To deal with applications for rate relief on the grounds of hardship under Section 49 of the Local Government Finance Act, 1988 in accordance with Council Policy.
- (24) To compile and maintain a Rural Settlement List and administer the Rural Rate Relief Scheme Under Sections 42A, 43 and 47 of the Local Government Finance Act, 1988 in accordance with Council policy.
- (25) To grant allowances for part-occupation of a rated property in accordance with Section 44 of the Local Government Finance Act, 1988.

- (26) To exercise the following powers in accordance with the appropriate Business Rates enforcement regulations issued under the Local Government Finance Act, 1988:-
- (a) distraint on goods
  - (b) charging orders
  - (c) winding up/bankruptcy proceedings.
  - (d) commitment to prison
- (27) To impose or quash penalties issued by the Authority under Sections 14 and Schedule 3(1) of the Local Government Finance Act, 1992.
- (28) To grant discounts in accordance with the Local Government Finance Act, 1992 and Council policy.
- (29) To deal with applications for reductions for disabled persons under Section 13 of the Local Government Finance Act, 1992.
- (30) To determine appeals prior to the involvement of the Valuation Tribunal made under Section 16 (7) and (8) of the Local Government Finance Act, 1992.
- (31) To exercise the following powers in accordance with the appropriate Council Tax enforcement regulations issued under the Local Government Finance Act, 1992:
- (a) distraint on goods
  - (b) attachment of earnings/benefits/members' allowances
  - (c) charging orders
  - (d) winding up/bankruptcy proceedings
  - (e) commitment to prison
- (32) To deal with applications for Housing Benefits in accordance with the provisions of the Social Security and Housing Act, 1982 as amended.
- (33) To deal with applications for Housing/Council Tax benefits in accordance with the provisions of the Social Security Contributions and Benefits Act, 1992 and the Social Security Administration Act, 1992 as amended by Schedule 9 of the Local Government Finance Act, 1992.
- (34) To exercise all powers relating to Council Tax and Housing and Council Tax Benefits not included elsewhere in this scheme of delegation, having regard to Council policy, ~~policy as from time to time determined~~ including the recovery of any overpaid benefit and administrative penalties through various methods available including County Court.
- ~~(35) To institute proceedings for the offences created by Sections 13 and 14 of the Social Security Administration (Fraud) Act, 1997, and recover any overpaid benefit and administrative penalties through~~

~~various methods available including the County Court.~~

- ~~(35)~~(3  
6) To determine, on an annual basis, the amount of the Council Tax Base for inclusion in the report to be considered by the Council in setting its revenue budget and the Council Tax levels for the following year.
- ~~(36)~~(3  
7) To operate the Council's Sanction Policy relating to Housing and Council Tax Benefit.
- ~~(37)~~(3  
8) To authorise Officers who are not Solicitors to prosecute, defend or appear on behalf of the Council in Magistrates' Courts and County Courts.
- ~~(38)~~(3  
9) After consultation with the Leader/Chairman of a Committee (or in his/her absence the Vice-Chairman) to cancel or alter the time or the date of any meeting.
- ~~(39)~~(4  
0) To determine reasonable charges for inspection of background papers by the public or for providing copies of background papers to the public.
- ~~(40)~~(4  
1) To manage the budget and associated activity in relation to Civil Emergency Planning function.
- ~~(41)~~(4  
2) To implement pay and other awards of joint negotiating bodies.
- ~~(42)~~(4  
3) To advise on Statutory Sick Pay and Statutory Maternity payments.
- ~~(43)~~(4  
4) In consultation with ~~the Legal Services Manager~~ relevant officers, to take all appropriate measures within approved budgets to ensure the Council's compliance with the Data Protection Act, 1984.
- ~~(44)~~(4  
5) To effect arrangements for Disaster Recovery in relation to IT Services.
- ~~(45)~~(4  
6) To require repayment of training expenses, payments on recruitment and other similar payments in accordance with Council Policy.
- ~~(46)~~(4  
7) To determine the fees and charges for Local Land Charges searches in accordance with best practice guidance.
- ~~(47)~~(4  
8) To recruit trainees to the Council's internal training scheme and in response to external initiatives within the prescribed budget.
- ~~(48)~~(4  
9) To approve 'acting up' payments to Officers undertaking additional responsibility associated with a higher graded post for a temporary period in accordance with relevant conditions of service.

- ~~(49)~~<sup>(5</sup>  
~~0)~~ To deal with any matters relating to the payment of recruitment incentives, including approving extensions of time, within existing financial budgets.
- ~~(50)~~<sup>(5</sup>  
~~1)~~ To take such proceedings or other steps as may be necessary to enforce any debt or other obligation to the Council.
- ~~(51)~~<sup>(5</sup>  
~~2)~~ To sign, or authorise another Officer to sign, on behalf of the Council any document necessary to implement any decision of the Cabinet, Portfolio Holder, Council or any Committee, Sub-Committee or Officer acting within delegated powers.
- ~~(52)~~<sup>(5</sup>  
~~3)~~ To take any proceedings for the recovery of Council owned land or property from trespassers.
- ~~(53)~~<sup>(5</sup>  
~~4)~~ To determine whether or not information is confidential within the terms of the Environmental Information Regulations, 1992 and to determine exemptions for requests made under Freedom Of Information Act.
- ~~(54)~~<sup>(5</sup>  
~~5)~~ To purchase land and property included in a compulsory purchase order in accordance with the Council's valuation.
- ~~(55)~~<sup>(5</sup>  
~~6)~~ To accept on behalf of the Council blight notices relating to properties affected by development or redevelopment where all the statutory requirements are complied with.
- ~~(56)~~<sup>(5</sup>  
~~7)~~ To authorise the payment of costs and damages to objectors to compulsory purchase orders, where awarded, after reporting costs outside budgetary provision to the Council.
- ~~(57)~~<sup>(5</sup>  
~~8)~~ To take any action to recover any house renovation grant for a breach of conditions, subject to the Council's policy.
- ~~(58)~~<sup>(5</sup>  
~~9)~~ To serve notices requiring information as to ownership or occupation of any land and to take proceedings in the event of non-compliance with any such notice.
- ~~(59)~~<sup>(6</sup>  
~~0)~~ After consultation with the Head of Housing Services is authorised to institute proceedings for offences under the Rent Act 1977 and the Protection from Eviction Act, 1977.
- ~~(60)~~<sup>(6</sup>  
~~1)~~ To institute proceedings for the recovery of rent arrears and arrears or other breach of covenant on housing advances and similar loans or payments including the recovery of possession and exercise of powers of sale.
- ~~(61)~~<sup>(6</sup>  
~~2)~~ After consultation with the Head of Housing Services to obtain the issue and execution of Warrants of Eviction in respect of tenants in serious rent arrears.
- ~~(62)~~<sup>(6</sup>  
~~3)~~ To seal contract documents on behalf of the Council in cases where, within the approved tendering strategy, the Council is the

successful tenderer for contract works with public bodies other than the Council.

~~(64) To institute prosecutions under the Road Traffic Regulation Act, 1984.~~

~~(63)~~(6 To authorise injunctive proceedings.

5)

~~(64)~~(6 To deal with applications for occasional use of civic accommodation and to grant free use in appropriate cases.

6)

~~(65)~~(6 After consultation with the developer, the Post Office and with the Town and Parish Councils, as appropriate, to name new streets.

7)

~~(66)~~(6 To number new streets.

8)

~~(67) To institute legal proceedings on behalf of the Council and representing the Council before any court, tribunal, enquiry or other hearing with regard to functions which are the responsibility of the council.~~

After consultation with the Head of Environmental Health & Community Safety is authorised:

~~(69) To institute proceedings in respect of offences under byelaws or enactments dealing with hackney carriages or private hire vehicles.~~

~~(68)~~(7 To deal with applications for registration, licences, certificates or exemptions under any provisions of the Acts set out above or any Regulations made thereunder, in accordance with any policies determined by the Council.

0)

~~(71) To institute prosecutions for non-compliance with a remedial notice issued under Part 8 of the Anti-Social Behaviour Act 2003 (relating to highways).~~

After consultation with the Head of Built Environment is authorised:

~~(69)~~(7 To serve notices under Section 79 of the Building Act, 1984 requiring owners to deal with ruinous or dilapidated buildings and structure.

2)

After consultation with the Head of Engineering Services:

~~(70)~~(7 To serve notices under Sections 25 and 28 of the Land Drainage Act, 1991, to require cleansing and maintenance works to be carried out to watercourses.

3)

~~(74) To institute proceedings in respect of the following sections of the Highways Act, 1980:-~~

~~Section 132 relating to unauthorised marks on highways.~~

~~Section 169 – relating to scaffolding on highways.~~

~~Section 170 – relating to the control of the mixing of mortar, etc., on highways.~~

~~Section 171 – relating to conditions of consent for temporary deposits and excavations on highways.~~

~~(75) To institute proceedings in respect of offences under Section 26 of the Local Government (Miscellaneous Provisions) Act, 1976 relating to dangerous excavations.~~

~~(71)(7  
6)~~ To serve notices and where necessary, recover costs in relation to -

- (a) enforcement of liability to maintain unadopted highways;
- (b) interference with highways and streets;
- (c) urgent repairs to private streets;
- (d) carriage crossings.

After consultation with the Head of Planning Services is authorised:

~~(72)(7  
7)~~ To exercise the Council's powers under Section 94 of the Town and Country Planning Act, 1990.

~~(73)(7  
8)~~ To issue Planning Contravention Notices.

~~(74)(7  
9)~~ To issue enforcement notices under Section 172, temporary stop notices under Section 171(e) and stop notices under Section 183 of the Town and Country Planning Act, 1990 in respect of breaches of planning control.

~~(75)(8  
0)~~ To instruct to issue the discontinuance notices under the Town and Country Planning (Advertisements) Regulations.

~~(76)(8  
1)~~ In cases of urgency, and following consultation with the Chairman or Vice-Chairman of the Planning Applications Committee to serve building preservation notices under the Listed Buildings and Conservation Areas Act, 1990 in respect of buildings which are not listed as buildings of special architectural or historic interest but which the Head of Planning Services considers are of such interest.

~~(77)(8  
2)~~ To issue Completion Notices under Section 94 of the Town and Country Planning Act, 1990.

~~(78)(8  
3)~~ To issue Breach of Condition Notices under Section 187A of the Town and Country Planning Act, 1990 (as amended by the Planning and Compensation Act, 1991).

- ~~(79)~~(8  
4) To issue notices under Section 215 of the Town and Country Planning Act, 1990 requiring the proper maintenance of land.
- ~~(85)~~ To ~~institute prosecutions for non-compliance with enforcement notices, planning contravention notices, breach of condition notices, stop notices, Advertisement Regulations, Section 215 notices and Tree Preservation Orders.~~
- ~~(80)~~(8  
6) To enter into agreements under Section 106 of the Town and Country Planning Act, 1990.
- ~~(81)~~(8  
7) To serve notices under Section 207 of the Town and Country Planning Act, 1990 requiring the replacement of trees.
- ~~(82)~~(8  
8) To authorise to make and confirm Orders under Section 257 of the Town and Country Planning Act, 1990, subject to the applicant agreeing to be responsible for the Council's costs involved in the procedure and to there being no outstanding objections.
- ~~(83)~~(8  
9) To issue listed building enforcement notices under the Planning (Listed Building and Conservation Areas) Act, 1990.
- ~~(84)~~(9  
0) To seek injunctions against any short term events which do not meet the criteria for such events specified by the ~~Director of Planning and Regeneration~~ Head of Planning Services.

### **NOTES:**

#### Legal Services Manager Senior Solicitor

The Legal Services Manager Senior Solicitor is authorised:

- (i) To act as the Council's Deputy Monitoring Officer and in the absence of the Monitoring Officer to exercise all the functions of the Monitoring Officer.
- (ii) To obtain Counsel's opinion and brief Counsel and to report additional costs to the Resources Portfolio Holder.
- (iii) To enter a defence against any claim brought against the Council.
- (iv) To provide the necessary authorisations in respect of surveillance in accordance with the Regulation of Investigatory Powers Act, 2000.
- ~~(v) To perform the duties listed in paragraphs 51 to 65 and (69) to (90) inclusive of the delegations to the Corporate Director of Resources.~~  
To perform the duties listed in paragraphs 50 to 63 and 67 to 84 inclusive of the delegations to the Corporate Director of Resources.

### Chief Accountant

In the absence of the Chief Financial Officer the Chief Accountant is authorised to exercise all the functions of the Council's Chief Financial Officer, including proper administration of the Council's financial affairs under Section 151 of the Local Government Act 197, Section 114 of the Local Government Act 1998 and the Accounts and Audit Regulations 2011.

### **(b) Corporate Director of People and Places (Monitoring Officer)**

- (1) To act as the Council's Monitoring Officer, in accordance with the provisions of the Local Government and Housing Act 1988, to ensure full compliance with both legal and ethical frameworks and to perform the functions set out in Article 13.

## **4. Authority Give to Individual Heads of Service**

### **(a) Head of Culture Leisure & Tourism**

- (1) To let leisure and cultural facilities in accordance with charges approved by the relevant Portfolio Holder.
- (2) To obtain licences issued under the Licensing Act 2003.
- (3) To deal with occasional applications for the use of public halls, cafes or similar buildings controlled by the Council at charges in accordance with the minimum approved by the relevant Portfolio Holder.
- (4) To alter normal opening hours in any buildings, premises or facilities open to the public for specific events, public holidays or in case of other urgent reasons.
- (5) To arrange publicity and advertising for facilities made available by a Portfolio Holder in accordance with approved policies and within approved estimates, and to approve advertisements and negotiate advertising rates in accordance with approved estimates.
- (6) To engage artists and musicians for musical, dramatic and similar functions in accordance with the policy of the Council and within budgetary provision.
- (7) To publish tourism and promotional material in accordance with the Council's policy and within approved estimates.
- (8) To arrange tourism promotional events, stage launches and organised activities in accordance with the policies of the Council within approved estimates.
- (9) To manage an interpretative programme of walks, events and activities for the encouragement of an understanding of Wyre's parks, open spaces and countryside.

- (10) To act on behalf of the Council as a consultee on grant applications including National Lottery Initiatives and grants for cultural services.
- (11) To manage and develop Tourist Information Centres, promotions and other visitor services.
- (12) To waive entry fees and charges for facilities and events where such action will result in the enhanced promotion of such a facility.
- (13) To provide a range of services and goods for sale.
- (14) To develop interpretative media for the furtherance of the Council's policies and within approved estimates.
- (15) To execute urgent works on any leisure, countryside or cultural sites or access areas to ensure public safety.
- (16) To loan or hire out equipment.
- (17) To arrange cultural activities and events in accordance with the policies of the Council within approved estimates, including partnership initiatives.

**(b) Head of Operations**

- (1) To undertake small countryside management projects in accordance with the policy of the Council and within approved estimates.
- (2) To undertake improvements to public open space in accordance with the policy of the Council and within approval estimates.
- (3) To be responsible for delivering the Council's statutory responsibilities in respect of the Forest of Bowland Area of Outstanding Natural Beauty.
- (4) To deliver the public rights of way (urban core) agency agreement, in accordance with approved estimates.
- (5) To approve or otherwise, designs and inscriptions on tombstones.
- (6) To grant Rights of Burial.
- (7) To deal with re-purchase of grave spaces.
- (8) To instruct the ~~Legal Services Manager~~ Senior Solicitor to make tree preservation orders and to confirm such orders where no objection has been made.

- (9) To take action in relation to dangerous trees and to deal with applications for felling or lopping trees included in a tree preservation order or notifications of intention to fell or lop trees in a conservation area.
- (10) To serve Hedgerow Replacement and Retention Notices and determine applications made under Regulation 8 of the Hedgerow Regulations, 1997.
- (11) To submit observations on applications for felling licences when the authority is consulted under the Forestry Act, 1967.
- (12) To instruct the ~~Legal Services Manager~~ Senior Solicitor to revoke Tree Preservation Orders.
- (13) To implement action necessary to complete the agreed environmental improvement programme within agreed budgets and timescales.
- (14) To appoint Officers as authorised Officers with powers of entry under any enactment relating to public health or hygiene, food control, public safety and welfare and licensing for matters so far as they relate to the powers and duties of the Council.
- (15) To authorise any employee to act as an 'Authorised Officer' under Section 4 of the Dogs (Fouling of Land) Act, 1996, to issue fixed penalty notices.
- (16) To delegate such responsibilities as he deems fit to comply with the Environmental Protection Act, 1990 relating to the Dog Wardens in particular and to any other Officer as required.
- (17) To decline to determine complaints made under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges) as not duly made and valid.
- (18) To determine complaints made under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges) and to issue remedial notices.
- (19) To withdraw, waive, vary or relax the requirements of a remedial notice issued under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges).
- (20) To take any action, including carrying out work in default, to secure compliance with a remedial notice served under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges).
- (21) To authorise council employees and other persons acting on behalf of the council powers of entry to land under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges).
- ~~(22) To institute prosecutions for non-compliance with a remedial notice~~

~~issued under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges).~~

**(c) Head of Environmental Health & Community Safety**

- (1) To be responsible for all matters under the Environmental Health Information Regulations, 1992.
- (2) To maintain records, in the form indicated, of all requests for information.
- (3) To refuse a request for information if, in his/her opinion, the request is manifestly unreasonable or ~~if~~ too general, or if, after consultation with ~~the Legal Services Manager~~the Senior Solicitor, he/she deems it to be confidential within the terms of the Environmental Health Information Regulations, 1992.
- (4) To appoint Officers as 'Inspectors' under Section 19 of the Health and Safety at Work etc. Act, 1974 and to terminate any appointment so made. In each case he may authorise the inspector to exercise one or more of the powers specified in:
  - (i) Sections 20, 21, 22, 25 and 39 of the Act.
  - (ii) Any Health and Safety Regulation.
  - (iii) The provisions of the Acts mentioned in Schedule 1 to the Health and Safety at Work etc. Act, 1974, 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 provisions so specified, as in force from time to time.
- (5) To authorise under Section 20 (2)(c)(1) of the Health and Safety at Work etc. Act, 1974 other people to accompany inspectors duly appointed under S19 of the Health and Safety at Work etc Act, 1974, when that inspector is exercising their powers of entry under Section 20 (2) (a) of the Act.
- (6) To agree to the transfer or assignment of premises, parts of premises or any activity carried on therein under Sections 5 or 6 of the Health and Safety (Enforcing Authority) Regulations, 1989.
- (7) To determine any action relating to the approval, refusal or transfer of licences, issue of sanctions, service of notice or institution of proceedings or formal cautions in accordance with the principles set out in the "Policy for Taxi Licensing Enforcement".
- (8) To approve, issue, renew or transfer licences for hackney carriages and private hire vehicles and private hire operators in accordance with approved Council policy.
- (9) To approve, issue or renew licences for hackney carriage operators

and drivers for private hire vehicle drivers in accordance with approved Council policy.

- (10) After consultation with the Chairman of the Licensing Committee, to suspend licences relating to hackney carriages, private hire vehicles, their operators or drivers.
- (11) To exercise the powers contained in the Local Government (Miscellaneous Provisions) Act, 1976, and the Town Police Clauses Act, 1847 and the Rehabilitation of Offenders Act, 1974, relating to the enforcement of taxi licensing and to authorise persons to Act on behalf of the Council to exercise such powers.
- (12) To appoint Officers as authorised Officers with powers of entry under any enactment relating to public health or hygiene, food control, public safety and welfare and licensing for matters so far as they relate to the powers and duties of the Council.
- (13) To deal with applications for registration, licences, certificates or exemptions under any provisions of the Acts set out below or any Regulations made thereunder, in accordance with any policies determined by the Council Committee.
- (14) To determine the conditions attached to any licences, permits, registrations, certificates or exemptions issued under any provisions of the Acts set out at below or any regulation made thereunder, in accordance with any policies determined by the Council.
- (15) To authorise the appointment of Proper Officers to deal with matters relating to infectious disease or personal medical matters under the National Assistance Acts 1948, the Assistance (Amendment) Act 1951 and the Public Health (Control of Diseases) Act 1984, for the removal to suitable premises of persons in need of care and attention.
- (16) To determine any action relating to the service of notices, ~~and/or~~ authorisation of works in default ~~and the institution of proceedings to be~~ taken under the following statutory provisions (or any regulations made thereunder) so far as such provisions relate to the powers and duties of the Council:
  1. Animal Health Act, 1981
  2. Animal Welfare Act, 2006
  3. Anti-Social Behaviour Act, 2003
  4. Building Act, 1984
  5. Caravan Sites Act, 1968
  6. Caravan Sites and Control of Development Act, 1960
  7. Clean Air Act 1993
  8. Clean Neighbourhoods and Environment Act 2005
  9. Control of Pesticides Regulations, 1986
  10. Control of Pollution Act, 1974
  11. County of Lancashire Act, 1984
  12. Dangerous Dogs Act, 1991

13. Dangerous Wild Animals Act 1976
14. Environment Act, 1995
15. Environmental Information Regulations, 1992.
16. Environmental Protection Act 1990.
17. Equality Act 2010
18. European Communities Act 1972
19. Factories Act, 1961
20. Food Act, 1984
21. Food Safety Act, 1990
22. Food and Environmental Protection Act, 1985
23. Game Act, 1831
24. Gambling Act 2005.
25. Guard Dogs Act, 1975
26. Health Act, 2006 and 2009
27. Health & Safety at Work etc. Act, 1974
28. House to House Collections Act, 1939
29. Licensing Act, 2003
30. Litter Act, 1983
31. Local Government (Miscellaneous Provisions) Act, 1976
32. Local Government (Miscellaneous Provisions) Act, 1982
33. Local Government Act, 1988
34. Local Government and Housing Act, 1989
35. Motor Salvage Operators Regulations, 2002
36. Noise Act, 1996
37. Noise and Statutory Nuisance Act, 1993
38. Offices, Shops and Railway Premises Act, 1963
39. Police, Factories etc. (Miscellaneous Provisions) Act, 1916
40. Pollution, Prevention and Control Act, 1999
41. Pollution, Prevention and Control (England and Wales) Regulations, 2000
42. Prevention of Damage by Pests Act, 1949
43. Private Water Supplies Regulations 1991.
44. Public Health (Control of Disease) Act, 1984
45. Public Health Act, 1936
46. Public Health Act, 1961
47. Refuse Disposal (Amenity) Act, 1978
48. Salmon and Freshwater Fisheries Act, 1933
49. Scrap Metal Dealers Act, 1964
50. Slaughter of Poultry Act, 1967
51. Slaughterhouses Act, 1974
52. Sunday Trading Act, 1994
53. The Food Hygiene (England) Regulations 2006.
54. The Materials and Articles in Contact with Food Regulations, 1978
55. Theatres Act, 1968
56. Town Police Clauses Act, 1847
57. Water Industry Act, 1991
58. Working Time Regulations, 1998
59. Zoo Licensing Act, 1981

- (17) To grant applications for motor salvage operator registration and to issue notices of intention to refuse such operations if an applicant has an unspent conviction for one of the offences listed in the Motor Salvage Operators (Specified Offences) Order, 2002.
- (18) To include, exclude or vary any of the Standard Licence conditions in respect of Residential and Holiday Caravan Site Licences, taking into account the individual nature of each site.
- (19) To enforce the requirements of the Food and Environmental Protection Act, 1985 and the Control of Pesticides Regulations, 1986.
- (20) To appoint Officers as authorised Officers to enforce the requirements of the Food and Environmental Protection Act, 1985 and the Control of Pesticides Regulations, 1986.
- (21) To exercise the powers set out in the Water Industries Act, 1991 to the extent that it affects the Council and to authorise persons to act on behalf of the Council to exercise such powers.
- (22) To approve, issue, renew or transfer licences for pleasure boats in accordance with approved Council policy and the Public Health Act, 1936.
- (23) To approve, issue, renew or refuse licences for boatmen in accordance with approved Council policy and the Public Health Act, 1936.
- (24) After consultation with the Chairman of the Licensing Committee to refuse licences for pleasure boats or boatmen.
- (25) To grant longer response times which should not exceed 45 minutes for silencing audible intruder alarms as provided for in the 1982 Code of Practice issue by the Secretary of State for the Environment under the provisions of the Control of Pollution Act, 1974.
- (26) To deal with and authorise any relevant permit relating to installations and processes under the Pollution, Prevention and Control Act, 1999, including any Regulations made under the Act.
- (27) To deal with the burial or cremation of the body of any person where no suitable arrangements for disposal have been made.

**(d) Head of Engineering Services**

- (1) To have overall responsibility for managing and supervising the Relevant Tasks and Permissive Tasks under the Residual Highways Agreement with Lancashire County Council.

- (2) To determine any action relating to the service of notices or the authorisation of work in default and the institution of legal proceedings be taken under the following statutory provisions (or any regulations made thereunder).
  - County of Lancashire Act, 1984.
  - Highways Act, 1980.
  - New Roads and Streetworks Act, 1992.
  - Public Health Act, 1936.
- (3) To provide site and arrange for the maintenance of street furniture and any other apparatus, equipment or installation necessarily or conveniently situated on the highway.
- (4) To provide site and arrange for the maintenance of public seats within the highway or other operational land held by the Living Places Portfolio Holder.
- (5) To deal with the provision, siting and maintenance of bus shelters.
- (6) To deal with the siting and re-siting of bus stops after consultation with the Police, and County Council's Environment Director.
- (7) To deal with the cutting of trees etc. under Section 154 of the Highways Act, 1980.
- (8) To take any necessary action under section 25 and 26 of the Local Government (Miscellaneous Provisions) Act, 1976 relating to dangerous excavations.
- (9) Following the passing of a resolution of the Council to carry out private street works, to deal with all matters under the advance payment code including making apportionments and authorising any legal proceedings.
- (10) To arrange for the temporary prohibition of traffic on roads.
- (11) To carry out drainage works by agreement under section 275 of the Public Health Act, 1936.
- (12) To arrange for the maintenance of amenity and social lighting.
- (13) To exercise the powers of the Council under section 262 of the Public Health Act, 1936 relating to watercourses and ditches.
- (14) To arrange for Neighbourhood Watch signs to be provided where appropriate, within the Budget provided for that purpose.
- (15) To arrange for the maintenance of those coastal defences.
- (16) To arrange for the maintenance of watercourses and land drainage pumping stations.

- (17) To adopt, in appropriate cases, new land drainage pumping stations and systems by agreement with developers including a commuted sum for maintenance.
- (18) To exercise the powers under Sections 14 to 27 of the Land Drainage Act, 1976 relating to the prevention of flooding.
- (19) To arrange for the maintenance of the Fleetwood ferry dock and Knott End Landing Stage.
- (20) To arrange for the maintenance or replacement of street name plates.
- (21) As the Council's River Flooding and Tidal Flooding Officer, to take any emergency actions to execute any urgent works in relation to coastal and fluvial flooding, reporting the action to the relevant Portfolio Holder.
- (22) To authorise other officers to act as the Council's River Flooding and Tidal Flooding Officer as necessary.
- (23) To serve notices under Sections 25 and 28 of the Land Drainage Act, 1991 to require cleansing and maintenance works to be carried out to watercourse.
- (24) To approve the use of operational land under the control of the Neighbourhood Services Portfolio Holder for events (after consultation with other Directors where appropriate).
- (25) To be responsible for the management and maintenance of all the Council's car parks in accordance with the Council's policies, including making recommendations upon the future charging policy, maintenance and capital works.
- (26) To operate the Decriminalised Parking Enforcement System in partnership with Lancashire County Council and to determine representations and challenges and process appeals.
- (27) To manage the Fleetwood to Knott End ferry undertaking, in accordance with Council policy.
- ~~(28) To institute proceedings in respect of contravention of or non-compliance with a provision of an order made under the Road Traffic Regulation Act, 1984.~~
- ~~(28)~~(2) To liaise with local road safety organisations.
- ~~(29)~~(3) To comment whenever the Borough Council is consulted by other public authorities or bodies on development proposals.

**(e) Head of Housing Services**

- (1) To deal with applications for grants for home improvement and repair within the guidelines laid down by the Council.
- (2) To determine any action (other than appeals to the Council) to be taken under sections 352 and 354-365 inclusive of the Housing Act, 1985, including the signing of demands for expenses under the default powers contained in these sections of the Act.
- (3) To extend the period for representations of appeals under the provisions of Sections 264 and 354 of the Housing Act, 1985.
- (4) To deal with matters arising under Sections 118 and 134 of the Local Government and Housing Act, 1989, (conditions of grants and repayments).
- (5) To deal with housing accommodation, allocations and nominations, in accordance with the policy of Council.
- (6) To assist in the rehousing of former owners or tenants of houses acquired by the Council in general improvement or renewal areas to allow them to remain in the property after renewal areas or to allow them to remain in the property after improvement or to provide temporary housing, as necessary.
- (7) To assist in the rehousing of owner/occupiers of properties where compulsory purchase powers are exercised or in respect of which blight notices have been accepted by the Council.
- (8) To assist in the rehousing of occupants of property in a dangerous condition.
- (9) To deal with applications for the Council's consent to the conversion or alteration of houses and other property under the remit of the Neighbourhood Services Portfolio Holder.
- (10) To provide nominations to qualifying people who are at the top of the relevant lettings waiting list and to override the points system in exceptional circumstances in accordance with Part VI of the Housing Act, 1996.
- (11) To secure temporary accommodation for statutory homeless persons, for a term of not more than 4 years.
- (12) To deal with applications for Local Authority Housing Association Grant for aids and adaptations to Wyre Housing Association owned dwellings for physically handicapped persons.
- (13) To deal with any reviews enacted through Parts VI and Parts VII of the 1996 Housing Act.

- (14) To deal with applications for Local Authority Housing Association Grant from social registered landlords.
- (15) To make Private Sector nominations other than to those applicants at the top of the Waiting List.
- (16) To override the points system in exceptional circumstances.
- (17) To review decisions relating to the allocation of housing accommodation under Part VI of the Housing Act, 1996.
- (18) To omit persons who present an identifiable risk to the Community (whether quantifiable or not) from the Waiting List. Such assessments to be monitored and reported upon periodically with a view to seeing if they form a basis for future policy guidelines.
- (19) To deal with the Council's statutory obligations under Part VII of the Housing Act, 1996 the determination of homelessness and the extent of the duty owed to applicants, following consideration of investigations.
- (20) To review decisions relating to homelessness under Part VII of the Housing Act, 1996, to be conducted in accordance with the approved procedures. In the event that the Director of Regeneration has been involved in the decision-making process, such review to be carried out by the Chief Executive or other approved Senior Officer.
- (21) To take possession proceedings against non-secure tenants/licensees.
- (22) To submit bids, after consultation with the Chief Financial Officer, in accordance with Council policy to Government agencies for Capital Grants or similar, in respect of housing issues.
- (23) To determine any action relating to the service of notices, authorisation of work in default and the institution of proceedings to be taken under the following statutory provisions (or any regulations made thereunder) so far as such provisions relate to the powers and duties of the Council:
  1. Housing Act, 1988
  2. Housing Act, 1985 and 1996
  3. Housing Act 2004.
  4. Housing Grants and Construction (Regeneration) Act, 1996
  5. Road Traffic Act, 1988
- (24) To operate a licensing scheme for Houses in Multiple Occupation and to approve, refuse, revoke and vary licences under the Housing Act 2004.
- (25) To make and operate prohibition orders under the Housing Act 2004.

- (26) To introduce and operate Interim and Final Management Orders under the Housing Act 2004.
- (27) To introduce and operate Empty Dwelling Management Orders under the Housing Act 2004.
- (28) To determine the conditions attached to any Licences, Empty Dwelling Management Orders, Interim and Final Management Orders.
- (29) To make payments under the Council's Discretionary Housing Incentive Scheme to facilitate accommodation for the homeless.
- (30) To liaise with Government agencies in accordance with Council Policy concerning the Council's investment priorities on housing related issues.
- (31) To make nominations in accordance with Council Policy in respect of low cost housing for sale by private developers.

**(f) Head of Planning Services**

- (1) To determine planning applications.

EXCEPT: Where a councillor requests that a planning application be considered by the Planning Committee, subject to the request being received by the Director of Regeneration within 10 working days of the distribution date of the weekly list of planning applications on which the said planning applications appeared.

NOTE 1: This exception applies only to original planning applications and not to re-submitted applications where no substantial change has been made to an original application which has been refused.

NOTE 2: Where a Member requests determination of an application by the Planning Committee and is unable to attend the meeting to speak thereon, consideration of a letter from that Member relating to that planning application will be at the discretion of the Committee.

- (2) To determine applications for the display of advertisements.
- (3) To determine matters reserved on outline planning permission or as a condition of a planning permission.
- (4) To determine proposed working or minor modifications or amendments to approved applications, which do not affect the principle of the original, approval or permission.

- (5) To determine applications for listed building consent for the execution of works for the alteration or extension of listed buildings.
- (6) To determine applications for conservation area consent.
- (7) To determine persons and agencies to be consulted and notified on the making of planning or other applications.
- (8) To comment whenever the Borough Council is consulted by other public authorities or bodies on development proposals.
- (9) To be responsible for the administration of Hazardous Substances matters and dealing with all applications for Hazardous Substances Consent.
- (10) To determine any matter relating to fees arising on applications under the Town and Country Planning Act, 1990 subject to compliance with statutory provisions and a Council approved policy.
- (11) To make determinations under Class A of Part 6 of Schedule 2 and Class A of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 in connection with proposed agricultural and forestry development.
- (12) To make determinations under Class A of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order, 1995 in connection with proposed electronic communications equipment installation.
- (13) To make determinations under Class A of Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 in connection with any building operation consisting of the demolition of a building.
- (14) To determine applications made under Section 55 of the Town and Country Planning Act, 1990, as amended by the Planning and Compensation Act, 1991, concerning the demolition of certain types of buildings.
- (15) To determine applications for certificates of lawful use of existing uses or development or of proposed uses or development under sections 191 and 192 of the Town and Country Planning Act, 1990 as amended by Section 10 of the Planning and Compensation Act, 1991.
- (16) To decline to determine repetitive applications for planning permission under the Planning and Compensation Act, 1991 and the Town and Country Planning (Control of Advertisements) Regulations, 1992.
- (17) To determine whether planning or other applications should be subject to environmental assessment and, if so, what data should be contained in assessments.

- (18) To issue determinations pursuant to Section 64 of the Town and Country Planning Act, 1990 as to whether or not a proposal would constitute development and, if so, whether planning permission would be required in respect of such a proposal.
- (19) To authorise Council employees and other persons acting on behalf of the Council to exercise powers of entry under the National Parks and Access to the Countryside Act, 1949, the Town and Country Planning Act, 1990, Planning (Listed Buildings and Conservation Access) Act, 1990 and for any other purpose relating to the work of Planning Services and the Planning Committee.
- (20) To issue and serve Planning Contravention Notices under Section 171(c) of the Town and Country Planning Act, 1990 as amended by the Planning Compensation Act, 1991.
- (21) To issue and serve notices requiring information as to the ownership, occupation or use of any land and to authorise proceedings in the event of non-compliance with any such notice.
- (22) In cases of urgency, and after consultation with the Economy Portfolio Holder to authorise the making of a Direction under Article 4 of the Town and Country Planning General Permitted Development Order, 1995.
- (23) To take any other action, including carrying out work in default, to secure compliance with any notices served under the Building Act, 1984, the Planning (Listed Buildings and Conservation Areas) Act, 1990 or the Town and Country Planning Act, 1990 or any Regulation or Orders made thereunder.
- (24) To authorise the execution of works in accordance with Section 54(1) of the Planning (Listed Building and Conservation Areas) Act, 1990.
- (25) To issue Notices under Section 55 of the Planning (Listed Building and Conservation Areas) Act, 1990.
- (26) To publish an Annual Monitoring Report.

**(g) Head of Regeneration and Assets**

- (1) To represent the Council and liaise with relevant agencies and partners in accordance with Council policy on all matters relating to economic development (including tourism), regeneration and asset management.
- (2) To respond to consultations from other public authorities, agencies and organisations on proposals in relation to economic (including tourism), regeneration and asset management.

- (3) To act on behalf of the Council in relation to consultation on grant applications including European, government and charitable grants on all matters relating to economic (including tourism) regeneration and asset management.
- (4) To develop the Council's approach to property asset management, including development of the Asset Management Plan.
- (5) To manage any scheme approved by the Council, which gives direct financial assistance to businesses, industry, commerce, enterprise and social enterprise and to consider and make recommendations on the establishment, variation on winding up of any schemes to enable the Council to keep pace with current commercial practices.
- (6) To consent to the assignment, sub-letting or change of use (subject to any necessary planning approval being sought and obtained) of land and premises leased from the Council.
- (7) To deal with applications for variation or release of covenants imposed by the Council or its predecessors on the sale of property, in relation to alterations or extensions to the ~~property~~ previously owned local authority housing stock.
- (8) To approve the service of any notices in connection with the review of rents.
- (9) To deal with any matters relating to grazing or mowing licences or agricultural tenancies.
- (10) To approve building plans and plans submitted to fulfil covenants.
- (11) In consultation with the Legal Services Manager and the Chief Accountant, to deal with all tenancy matters (including licences to use land and buildings) where the annual market rent or Fee (in his opinion) of the land and buildings the subject of the licence or tenancy is less than £15,000 p.a. and the period of the licence or tenancy does not exceed 30 years.
- (12) To deal with applications for wayleaves affecting highways and easements for statutory undertakers and others at only nominal consideration.
- (13) To deal with all matters affecting the operation of Fleetwood Market.
- (14) To deal with applications from market traders for consent to alternatives to market stalls.
- (15) To fix dates for closing the market on public holidays.
- (16) To effect temporary lettings of market shops.
- (17) To take action in respect of unauthorised markets as defined by Council policy.

- (18) To accept completed works on behalf of the Council.
- (19) To enter into contracts with parties outside the Council, in accordance with the Council's Procedure Rules and Standing Orders relating to contracts.
- (20) With respect to the shared ownership scheme at Jubilee Drive, Cleveleys:
  - (a) To agree the open market value of the properties, for subsequent disposals.
  - (b) To instruct the Valuation Office Agency, if necessary.
  - (c) To release the resale covenant to complete the purchase of the dwelling within the two month timescale.
- (21) To deal with offers by owners to convey property to the Council where such property is in the area of an unconfirmed Compulsory Purchase Order or is shortly to be acquired by the Council.
- (22) To decline offers of property not recommended for acquisition.
- (23) To approve the sale of freeholds under the Leasehold Reform Act, 1967.
- (24) Subject to the prior declaration as surplus to requirements to the Council, to approve:
  - (a) The sale of land and buildings up to £20,000 in any one case;
  - (b) The lease of land and buildings in excess of thirty years where the premium does not exceed £20,000 or the annual rent does not exceed £15,000 in any one case; and
  - (c) The sale of property by public auction and to determine the reserve price.

In all cases officers will be required to observe any requirements of the Section 123 of the Local Government Act 1972 to obtain the best price that can be reasonably obtained.

- (25) Subject to the prior declaration as surplus to requirements by the Council, to approve early entry onto land by a proposed purchaser/lessee.
- (26) To approve the service of a notice to quit for any tenancy for which a Portfolio Holder is responsible on the grounds of non-payment of rent.

- (27) To approve and report upon any action in respect of breach of covenants.
- (28) To reject purchase notices which may be served on the Council under Planning or Highway legislation.
- (29) To deal with applications for licences or permits for berths and moorings.
- (30) Arrange for the maintenance of the Cleveleys Bus Station.
- (31) To authorise the payment of disturbance expense, home loss and payments of a similar nature for which the Council may be liable to the owner/occupier of property.
- (32) To take the following action in the case of short term events:
  - (i) Allow the event on the basis that it is organised by a Sporting, Charitable or Voluntary Organisation and that all proceeds go to either the organisation or to charity.
  - (ii) Allow trading stalls at special events, providing that the goods sold are directly related to this event, and the sale of goods is incidental to and not the main purpose of that event.
  - (iii) Allow the use of properly registered and licensed donkeys at such events.
  - (iv) Allow “quality” rival markets, for periods of not more than 14 days in any one year, which are not considered to offer a substantial threat to Fleetwood Market, but subject to the payment of a negotiated fee.
  - (v) After consultation with the Legal Services Manager to seek injunctions against any such short term events which do not meet the above criteria.
- (33) After consultation with the Chief Financial Officer, to ensure that all appropriate lettings meet the Council’s insurance requirements.
- (34) To let allotments and to determine tenancies where tenants are in breach of any conditions of the tenancy.
- (35) To deal with applications for the erection of greenhouses and sheds and the keeping of poultry and livestock on allotments.
- (36) To deal with occasional applications for the use of open spaces at not less than the minimum charge approved by the Council.

**(h) Head of Built Environment**

- ~~(1) To institute proceedings for non-compliance with Building Regulations and contravention of notices served under the Building Act, 1984.~~
- ~~(2) To institute proceedings in connection with dangerous buildings.~~
- ~~(1)(3)~~ To determine application plans under the Building Regulations (including applications for relaxation of Regulations).
- ~~(2)(4)~~ To determine any matter relating to fees arising on applications under the Building Regulations subject to compliance with statutory provisions and any Council approved policy.
- ~~(3)(5)~~ To serve or authorise the service of notices under sections 81 and 82 of the Building Act, 1984 requiring proper steps to be taken in connection with the demolition of buildings.
- ~~(4)(6)~~ To serve notices requiring information as to the ownership, occupation or use of any land and to authorise proceedings in the event of non-compliance with any such notice.
- ~~(5)(7)~~ To deal with the issue of licences for the demolition of buildings.
- ~~(6)(8)~~ To take any emergency action in relation to dangerous buildings or structure, including the carrying out of work in default, reporting the action to the Portfolio Holder as soon as practical.
- ~~(7)(9)~~ To refuse or to accept 'initial notices', 'final notices' or 'building notices' under the Building Act, 1984.
- ~~(8)(10)~~ To deal with matters arising under Sections 24 and 71 of the Building Act, 1984 (means of ingress and egress at certain buildings to which the public have access).
- ~~(9)(11)~~ To exercise the powers of the Council in connection with dangerous, ruinous or dilapidated buildings or structures including authorisation of action in default.
- ~~(10)(4)~~ To issue Completion Certificates in appropriate circumstances under the Building Regulations.
- ~~(11)(4)~~ To determine charges within the provisions of the Council's Building Scheme of Charges for Building Regulation Work currently in operation, as follows:

In accordance with Section 5.1 of the Scheme, not to make a change: where he is satisfied that the whole of the building work in question consists of an alteration; and

where the building work is:

- (i) solely for the purpose of providing means of access to enable disabled persons to get into or out of an existing building and to or from any part of it, or of providing facilities designed to secure the greater health, safety, welfare or convenience of such persons; and
- (ii) is to be carried out in relation to:
  - (a) an existing building to which members of the public are admitted (whether on payment or otherwise); or
  - (b) an existing dwelling which is, or is to be, occupied by a disabled person.

In accordance with Section 5.2 of the Scheme, to agree a 30% reduction in the plan charge where an application or Building Notice in respect of building work which is substantially the same as building work in respect of which plans have previously been approved or building works previously inspected by the Council, and where the Council is satisfied that the owner of the plans who deposited them or who gives a building notice in respect of them, is the same person who originally deposited the plans or gave a Building Notice in respect of them.

In accordance with Section 8.1 of the Scheme, to agree that part of any charge which is payable to the Council may, in a particular case, be paid by instalments of such amounts payable on such dates as may be specified.

In accordance with Section 8.3 of the Scheme to agree that where a plan charge has been paid and not refunded, in any case considered reasonable, to decide not to make a further plan charge in respect of plans subsequently deposited for substantially the same building work.

In accordance with Section 10.1 of the Scheme not to make a charge where considered reasonable, where, before 1st April, 1999 plans have been deposited or a building notice has been given in respect of any building work and, on or after that date, plans are deposited or such a notice is given in respect of substantially the same building work.